

HHS COMMITTEE #1&2
January 23, 2014

MEMORANDUM

January 22, 2014

TO: Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst *LMM*

SUBJECT: **Executive Regulation 21-12, Manual on Swimming Pool Operation**
Executive Regulation 22-12, Manual on Swimming Pool Construction

On January 6, 2014, the Council received proposed Executive Regulation 21-12, Manual on Swimming Pool Operation, and proposed Executive Regulation 22-12, Manual on Swimming Pool Construction. The proposed regulations are promulgated under Method 2 which allows the Council 60 days to approve or disapprove the proposed regulation or extend the time for consideration. The regulation is automatically approved after 60 days if the Council does not take one of these actions.

Chapter 51, Swimming Pools, provides County law regarding swimming pools and spas. With the exception of certain responsibilities for the construction of pools which are assigned to the Department of Permitting Services, enforcement of swimming pool regulations is assigned to the Department of Health and Human Services. Swimming Pools are regulated extensively by the State of Maryland (summary of COMAR ©87-92) and the proposed regulations reference COMAR to clarify where State regulations apply. The COMAR and County regulations apply in all municipalities.

Clark Beil, Senior Administrator for Licensure and Regulatory Services, and Kenneth Welch, Program Manager for Licensure and Regulatory Services, will be present at this session to respond to questions. Council staff has asked Mr. Beil to provide the Committee with a brief overview of the DHHS responsibilities regarding swimming pool operations and enforcement of swimming pool regulations.

Council staff recommends approval of proposed Executive Regulations 21-12 and 22-12 as submitted. Council staff highlights the following items included in the regulations.

1. Swimming Pool Operations

Lifeguards and Staffing Requirements

Staffing requirements are included at ©18-19 and definition 14 (©5) says a Lifeguard is a person at least 15 years old and in possession of a valid lifeguarding certificate from the American Red Cross, the Young Men's Christian Association, or a comparable program approved by the Director. Council staff asked how these requirements are met for international lifeguards who may not have received their certification in the United States. DHHS provided the following response:

Lifeguards certification approved programs are set by the State of Maryland under COMAR 10.17.01.40.D. (5).

Lifeguards are required to have the original certification along with CPR and First Aid whenever they are working. Inspectors require the lifeguards to show proof of their certifications during each inspection.

Most international lifeguards are not required to have additional training in the United States. Majority of the international lifeguards take an approved course given by the swimming pool management company that hosts the lifeguards. Swimming pool management companies would not want to put their Pool Management Registry at risk as well as open to a lawsuit if found to employ unqualified lifeguards.

Spray Pools or Interactive Fountains

The regulation defines a Spray Pool as a shallow pool into which treated water is sprayed but not allowed to accumulate. A spray pool is considered a public pool for the purposes of the regulations. Council staff asked whether, given the growing popularity of these types of pools, there needs to be any further language in either regulation regarding spray pools.

DHHS responded that spray pools are becoming more of a concern and that Florida and New York have issued regulations around the consumption of recycled water based on disease outbreaks from the consumption of spray pool water. Maryland has not yet addressed this issue. This may be an issue that the Committee will want to watch further as these pools are used more throughout the County.

2. Swimming Pool Construction

The proposed regulation updates the requirements for swimming pool construction and makes modifications that are responsive to roof-top pools and changes in industry design. The Executive received comments and requested modifications from Federal Realty (©83-86) and has provided a response regarding each of the suggestions (©33-35).

Bathhouse Requirements

The proposed regulation keeps the requirements for men's and women's restrooms when access to equivalent facilities are no more than 500 horizontal feet from the pool or spa entrance (©34). Council staff asked whether, instead of meeting these requirements with men's and women's restrooms, family or unisex facilities could be provided as they are often welcomed by adults tending to children. DHHS provided the following response:

Bathhouse requirements for required fixtures by each sex is a requirement under the State of Maryland regulations COMAR 10.17.01.35.A. (3). Generally there is one bathhouse consisting of a men's room and a ladies room. Because the bathhouses require showers, 50 percent of the required showers are required for each sex. Nothing would prohibit a builder from adding an additional family / unisex bathroom.

Attached

Proposed Executive Regulation 21-12, Manual on Swimming Pool Operations and memo from Executive ©1-31

Proposed Executive Regulation 21-12, Manual on Swimming Pool Operations and memo from Executive ©32-82

June 3, 2013 letter from Federal Realty Investment Trust Comments and requested modifications ©83-86

Summary of COMAR 10.17.01 regulating pools and spas ©87-92

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

January 6, 2014

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2014 JAN - 6 AM 11: 27

TO: Craig Rice, President
County Council

FROM: Isiah Leggett
County Executive

Method 2

SUBJECT: Executive Regulation 21-12, Manual on Public Swimming Pool Operation

I am submitting for Council's consideration Executive Regulation 21-12, Manual on Public Swimming Pool Operation. It will supersede Executive Regulation 4-95AM which was first adopted in 1971. The new Regulation incorporates by reference provisions in State regulation¹ that address requirements for water quality, staff duties, safety and rescue equipment, record-keeping, and maintenance. The Regulation also includes provisions that reflect current industry standards and local licensing and enforcement practice. The overall goal is to update the Regulation so that it conforms to State law, our current regulatory practice, and industry standards². These changes should make it easier for pool operators to understand and comply with State and County regulation.

Key changes to the Regulation include:

- Adding, deleting, and updating terms and definitions
- Adding a new Section II, "Permits, Registration and Certification." This section brings the County's Regulation into line with various provision found in COMAR 10.17.01. The text was taken directly from COMAR with no modifications.
- The prior Section II "Water Quality" has been renumbered Section III and each subsequent section respectively renumbered.
- The renumbered Section III "Water Quality" has a number of technical changes. For example, the County requirement for Free Chlorine chemical levels has been increased from a maximum of 5 parts per million (ppm) to 10 ppm in order to conform with COMAR 10.17.01.44.

¹ COMAR 10.17.01 (2013) Public Swimming Pools and Spas

² Whenever there is a conflict between local and state provisions Maryland law provides that "an owner shall comply with the provision that establishes a higher standard for the protection of public health and safety." COMAR 10.17.01.12 (2013).



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Mr. Craig Rice

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Executive Regulation 21-12 was advertised in the May 1, 2013 Montgomery County Register. The period for public comment closed on June 1, 2013. No written comments were received. Regulation 21-12 is being promulgated under Method 2 of Section 2A-15 of the Montgomery County Code. If you have any questions, please contact Mr. Clark Beil, Senior Administrator, Licensure and Regulatory Services, Department of Health and Human Services, at 240-777-3831 or clark.beil@montgomerycountymd.gov.

IL: ss

Attachments



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| Originating Department Department of Health and Human Services | Effective Date |

Montgomery County Department of Health and Human Services
Regulation on:

MANUAL ON PUBLIC SWIMMING POOL OPERATION

Issued by: County Executive

Regulation No. 21-12

COMCOR

Authority: Code Section 51-12

Supersedes: Regulation No. 4-95AM

Council Review: Method (2) under Code Section 2A-15

Register Vol.30 No.5

Comment Deadline: May 30, 2013

Effective Date:

Sunset Date: None

SUMMARY: This regulation has been revised to coincide with State regulations and current industry standards.

ADDRESS: Director, Department of Health and Human Services
255 Rockville Pike, Suite 100
Rockville, Maryland 20850.

STAFF CONTACT: Clark Beil, Telephone 240-777-3831.

BACKGROUND INFORMATION: This regulation establishes the operating standard for public pools in Montgomery County in order to protect the health and welfare of the pool users. It has been in effect since 1971 with this version incorporating the requirements of the State of Maryland COMAR 10.17.01: Public Swimming Pools and Spas. Pool management companies, the City of Gaithersburg, the City of Rockville, and the Montgomery County Department of Recreation commented on the revisions and several changes were made at the request of these organizations.



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Section 1: Definitions

[The following definitions supplement those in Chapter 51, Montgomery County Code:] The section of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing definitions is incorporated for the definitions of this regulation unless superseded or amended by the following definitions:

1. Approving Authority means the Director of the Department of Health and Human Services or the Director's designee. The Approving Authority is referred to as the "Director" in this document.
2. Backboard [- A] means a device used to stabilize injured [bathers] patrons in the water.
3. Backwash [Procedure] Chart [- A] means a written[,] step-by-step procedure describing the method for backwashing [the] a recirculation system. The [procedure] Backwash Chart must [incorporate] include pipe and valve coding [and] or labeling information.

[Bather – Any person using the spa, pool, or adjoining deck areas for the purpose of water sports, recreation, therapy, or related activities.]

4. Chapter 51 means Montgomery County Code Chapter 51: Swimming Pools.
5. Closed means anytime when patrons are prohibited from entering the water or, if necessary, the immediate premises of a pool due to the existence of one of the summary reasons for closure as listed in Section IX(A).
6. CPR means Cardiopulmonary Resuscitation.
7. Data Sheet means a document, posted in the equipment room, which provides the following information regarding the physical attributes of each Swimming Pool:
 - a. Water volume (gallons);
 - b. Water Surface Area (square feet);
 - c. Pool Perimeter (linear feet);
 - d. Designated Flow Rate (gallons per minute);
 - e. Designed Turnover Time;



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f. Bather Load (Maximum Capacity);

g. Water Depths; and

h. Number of Returns (inlets).

8. Director [- The] means the Director of the Department of Health and Human Services [and designated agents] or the Director's designee.

[F.I.N.A. – The International Amateur Swimming and Diving Federation.]

9. Hazard means a condition or situation that could cause injury or illness to a patron or pool personnel.

10. Immediate Control [- When] means when the assigned [pool operator] Pool Operator is on the pool premises or able to report to the pool premises, if requested, within [twenty (20)] 15 minutes of notification by the [director] Director.

11. Immediate Premises [- The] means the area within the [fenced] enclosed boundaries of the pool site.

12. Immediate Supervision means when a Water-Safe person is no more than arm's length from and continually observing a non Water-Safe person. The Water-Safe person is in addition to the Lifeguard.

13. Imminent Hazard means a condition or situation that must be immediately corrected to prevent injury or illness to a patron or pool personnel and requires closure of a Swimming Pool until the condition or situation no longer exists.

14. Lifeguard [- A] means a person at least 15 years [of age holding] old and in possession of a valid lifeguarding certificate from the American Red Cross, the Young Men's Christian Association, or a comparable program approved by the [director] Director.

[N.C.A.A – National Collegiate Athletic Association.]

15. Open [- Any time people are in or can be admitted to the water of a public swimming pool] means any time patrons can be admitted to the immediate premises, including swim team practices and competitions.

16. Owner [- Any] means any person, cooperative, association, partnership, firm, corporation, public

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agency or authorized agent, excluding a [pool management company,] Pool Management Company, under whose authority the [swimming pool] Swimming Pool is being constructed, remodeled, reconstructed, or operated. For the purposes of serving a notice of violation of [this chapter] Chapter 51, the person who is present and in charge of the operation of the pool is considered an agent of the [owner] Owner.

- 17. Patron means any person using a Public Swimming Pool, the adjoining deck area, or the immediate premises for the purposes of water sports, recreation, therapy, or related activities.
- 18. Pool Management Company [- Any] means any person, cooperative, association, partnership, firm, or corporation, excluding a [pool operator] Pool Operator, who is responsible by contract or other agreement with the [owner] Owner of a [public swimming pool] Public Swimming Pool for the operation of the [public swimming pool] Public Swimming Pool, including but not limited to one or more of the following:
 - [1.] a. Assuring compliance with all operating standards set forth in Chapter 51 and all rules and regulations promulgated under that Chapter;
 - [2.] b. Providing for the physical maintenance, supplies, and personnel as required by Chapter 51 and all rules and regulations promulgated under that Chapter; and
 - [3.] c. Obtaining all necessary permits and licenses.
- 19. Pool Operator [- Any] means any person in possession of a valid Montgomery County Pool Operator's license who is in the [immediate control] Immediate Control of the operation of a [public swimming pool] Public Swimming Pool.
- 20. Private Spa means any outdoor bathing structure that is:
 - a. a self-contained unit in which all control, water heating, and water circulating equipment is an integral part of the unit;
 - b. built on the grounds of a single-family private residence;
 - c. used solely by the Owner, immediate family, tenants, or guests; and
 - d. not used for swimming, diving, or wading.
- 21. Private Swimming Pool [- Any swimming pool built on the grounds of a single family residence and used solely by the owner, immediate family, tenants, or guests.] means any Swimming Pool

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that is:

- a. built on the grounds of a single family residence; and
- b. used solely by the Owner, immediate family, tenants, and guests.

22. Public Swimming Pool [- Any] means any [swimming pool] Swimming Pool, except a [private swimming pool] Private Swimming Pool or Private Spa, which is intended to be used collectively by a number of persons for swimming, diving, wading or recreational bathing. Public [pools] Swimming Pools [are categorized by the following classes] include:

- [1] a. [GENERAL USE POOL – Any pool intended for public recreational use of competition except a spa.] A Public Swimming Pool that is:
 - 1. not a Public Spa; and
 - 2. is intended for public recreational use such as swimming, diving, wading, therapy, competition or associated activity.

[2. SPA - Any pool intended for public, recreational or therapeutic uses other than swimming, wading, diving or general recreational use which is not drained, cleaned or refilled for each user. This standard excludes units used in conjunction with the private practices of physicians.]

- b. A Public Spa that is:
 - 1. intended for public recreational and therapeutic uses other than swimming, diving, or wading; and
 - 2. is not drained, cleaned, or refilled for each user.

23. Ready-To-Rescue means when a Lifeguard is attired in clothing appropriate to conduct the job duties; positioned so there is an unobstructed view of the pool floor; actively observing patrons in the water; and who has appropriate lifesaving equipment at hand.

24. Required Flow Rate means the minimum rate of flow for the recirculation system of a Public Swimming Pool as determined by the Montgomery County Manual on Swimming Pool Construction.

25. Spa Guard [- An] means an individual [currently certified] in possession of an approved current



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certification in infant, child, and adult [cardiopulmonary resuscitation (CPR)] CPR and first aid from an approved organization.

26. Spray Pool means any shallow pool into which treated water is sprayed but not allowed to accumulate. A Spray Pool is considered a Public Pool for the purposes of these regulations. A Spray Pool may also be referred to as an "interactive fountain."

27. Swimming Pool [- Any], public or private, means any artificial structure, basin, chamber, or tank, except a [private spa] Private Spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A Swimming [pool] Pool includes all [appurtenant] associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a [swimming pool] Swimming Pool.

[U.S.S – United States Swimming.]

28. Wading Pool [- A pool] means a Public Swimming Pool [not in excess] that is a maximum of 24 inches deep [at its maximum depth] and [usually reserved] primarily intended for use by [small] children.

29. Water Rescue means when a Lifeguard must enter the water with rescue equipment to assist a patron in distress, with or without the need to contact emergency personnel.

30. Water-Safe [- Able] means being able to swim and capable of exercising proper judgment in taking action for self-preservation under emergency conditions.

Section II: [Water Quality] Permits, Registration, and Certification

[A. Filtration

When any public swimming pool is open, it is the joint and several responsibility of the owner, pool operator, and pool management company, where appropriate, to maintain the following standards:

1. Water in the pool must be of sufficient clarity so that the main drain is clearly visible from the closest lifeguard chair or the furthest edge of the pool if the pool has no lifeguard chair.
2. Floating or sunken debris, algae, and dirt must not be present. Filter media or filter aids must not appear in the pool.

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- 3. Flow rate reading must not be less than 90% of the required flow rate specified in the Montgomery County Manual on Public Swimming Pool Construction, Section IX A.2 – Circulation Systems.

B. Chemical Treatment

At all times when the public swimming pool is open, it is the joint and several responsibility of the owner, pool operator, and pool management company, where appropriate, to maintain the following standards:

1. Chemical Balance

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|---------------------------------------|----------------|----------------|
| a. General Use Pool Except Wading: | | |
| pH | 7.2 | 7.8 |
| Free Chlorine | 1.5 ppm | 5.0 ppm |
| With Copper/Silver | 0.5 ppm | 5.0 ppm |
| Total Bromine | 3.0 ppm | 8.0 ppm |
| With Copper/Silver | 1.5 ppm | 8.0 ppm |
| b. Wading, Spa Therapy Pool: | | |
| pH | 7.2 | 7.8 |
| Free Chlorine | 3.0 ppm | 5.0 |
| With Copper/Silver | 1.0 ppm | 5.0 ppm |
| Total Bromine | 4.0 ppm | 8.0 ppm |
| With Copper/Silver | 3.0 ppm | 8.0 ppm |
| c. Any Stabilized Pool: | | |
| Cyanuric Acid | None | 100 ppm |

- 2. Chemical balance is to be maintained by the addition of chemicals through mechanical feeders.
- 3. Tests for pH, free chlorine, and total bromine residuals must be made and recorded at least once every hour when the pool is open. The initial tests must be made prior to opening the pool to bathers. Tests for isocyanurates (cyanuric acid) must be made and recorded at least



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once a week prior to opening the pool to bathers and after any cyanuric acid treatment.

4. Any chemicals used in the pool water must: (a) be non-toxic to persons in the concentrations employed in the pool, (b) not build up to toxic levels, and (c) be clearly labeled with directions for use.
5. For chemicals used for disinfection, there must be: (a) an acceptable evidence of bactericidal efficiency, and (b) a convenient method of measuring the effective concentration in the water.

NOTE: See the Hazardous Materials Use Permit Regulation]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. Operating Permit.

1. It is the joint responsibility of the Owner and the Pool Management Company to submit an annual application to operate a Public Swimming Pool and pass a pre-opening inspection prior to operating the Public Swimming Pool.
2. If a Public Swimming Pool has closed for the season, an opening inspection must be conducted by and approval obtained from the Director prior to an Owner or Pool Management Company operating the pool.
3. A valid Montgomery County Swimming Pool permit must be posted on the immediate premises of the Public Swimming Pool.

B. Pool Management Company Registration.

1. It is the responsibility of the Pool Management Company to submit an annual application to manage a Public Swimming Pool.
2. A Pool Management Company must post a valid registration permit on the immediate premises of the Public Swimming Pool.

C. Pool Operator and Lifeguard Certification.



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Pool Operators, Lifeguards, and Spa Guards must be in possession of original documentation of their qualifications when they are on duty at the Public Swimming Pool.

Section III: [Operating Staff and Duties] Water Quality

[A. Pool Operators, Lifeguards, and Pool Management Companies

1. Pool Operators

- a. It is the joint and several responsibility of the owner, pool operator, and pool management company, of every public pool, to ensure that a Montgomery County licensed pool operator is in immediate control of the operation of the swimming pool and all of its appurtenances at all times when the pool is open and in use.
- b. If a pool permit is summarily suspended two times period for any of the conditions stated in Section VII of this regulation, for the remainder of the licensure period, a pool operator must be on the premises at any time the pool is open. This requirement will not apply if an operator is not in immediate control of the pool but no other conditions in Section VII exist. Not having an operator in immediate control will still result in summary closure.

2. Lifeguards

a. General Use Pool

It is the joint and several responsibility of the owner, pool operator, and pool management company of every general use pool, to maintain at least one lifeguard on the pool deck observing the pool when bathers are permitted in the water. The director may require additional lifeguards to be on the deck or restrict swimming to one portion of any public swimming pool because of:

- (1) the inadequate guarding of the pool due to the number of bathers using the pool, (2) the shape dimensions, and layout of the pool and filter room location, (3) the existence of obstructions to vision, or (4) the capability of the bathers using the pool. At least one lifeguard with a valid infant/child/adult CPR certificate must be on the premises when the pool is open.

b. Spas

It is the joint and several responsibility of the owner, pool operator, and pool



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management company of every spa to maintain at least one spa guard on the licensed premises when bathers are permitted in the water.

- c. A person may fulfill the function of both lifeguard/spa guard and pool operator when such duplication can be accomplished without adversely affecting the safety and operational standards. In acting as a lifeguard, the person must be on the deck and must observe the pool whenever any person is in the water and must not leave the post for any reason without ensuring that all persons are out of the water.

3. Pool Management Company Registry

Pool management companies must submit information so the director can maintain a registry of each pool operated by a pool management company in Montgomery County. The registry will consist of a file for each pool management company and contain the registration applications for each pool managed by that company. The pool management company will notify the department within 48 hours when the responsible person for a pool changes. The change will be made by the director on the original application. Applications must be added to or removed from the files as the management company for the pools change.

4. Evidence of Qualifications

Pool operators, lifeguards, spa guards, and pool management companies must have written documentation of qualifications, acceptable to the director, available at the pool at all times while they are on duty.

B. Occupancy

It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to ensure that:

- 1. The number of persons within the pool enclosure does not exceed the authorized limit established by the Montgomery County Manual on Public Swimming Pool Construction, and the number of persons in the water does not exceed that which can be safely supervised by the lifeguards.
- 2. A set of rules for admission to the pool(s) is established, and printed legibly on a backing of durable and water-resistant construction. The Rules must be posted conspicuously, enforced, and include:

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- a. Restricting the introduction of dirt, excreta, and extraneous matter into the water by bathers;
 - b. Restricting the importation of dangerous objects and materials into the pool area;
 - c. Controlling unsafe acts, both in and out of the water; and
 - d. Ensuring that small children and disabled or infirm persons in the water are water-safe, and are in the proper pool area or are properly supervised by competent water-safe persons in addition to the lifeguards.
3. Bathers are excluded from the pool who:
- a. Show apparent signs of infection or other evidence of high contamination risk;
 - b. Are not demonstrably water-safe or under the immediate supervision of water-safe persons in addition to the pool staff;
 - c. Are incontinent, either temporarily or permanently, unless such individuals are:
 - (1) Closely supervised; and
 - (2) Clothed in diapers and snugly fitting waterproof pants.
4. If fecal matter is introduced into the pool, the pool must be closed and the fecal matter removed. The pool must remain closed for a minimum of 20 minutes with the chemical levels maintained in accordance with Section II, B.1. of this regulation.
- C. Spa
- In addition to Section III, B. 1-4 above, the following rules must be printed on a backing of durable and water-resistant construction, conspicuously posted at the spa, and enforced:
- 1. Bathers are not permitted in the water for periods in excess of 15 minutes if the water temperature is between 98°F. and 104°F. A minimum interval of five minutes must be spent out of the water for every 15 minutes in the water.
 - 2. Alcoholic beverages and food are not permitted in the spa area. Nonalcoholic beverages in unbreakable containers may be served to bathers in the spa. Admittance will be denied to anyone under the influence of alcohol or drugs.



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3. Children under 5 years of age are not permitted in the spa.
4. Bathers that are pregnant, or have a history of heart disease, diabetes, or circulatory problems, should consult a physician before using the spa.

D. Hazards

It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to ensure that:

1. Bathers and operating personnel are not exposed to contact with high temperature surfaces, electric shock hazards, slippery floors or decks, and projections or surfaces which would cause injury;
2. Bathers do not have access to machinery, electric panels, or pools chemicals;
3. Artificial lights are functioning in those areas used by bathers or operating personnel when such light is required by law or for safety;
4. Gas chlorine containers are located in a mechanically ventilated area, out of direct sunlight, secured to prevent tipping, and equipped with a shut-off wrench when in use. A properly labeled bottle of ammonia must be available to test for leaks;
5. Required safety devices are installed and in proper working order;
6. A timing device, method, or procedure is provided at every spa a 15 minute interval has expired;
7. Mechanically heated pool water must not exceed 88°F. in a general use pool and 104°F. in a spa;
8. Skimmer access covers are in place whenever bathers are permitted in the pool area; and;
9. Prior to releasing large volumes of water from a pool for maintenance or cleaning to the surface waters of Montgomery County, the water must be retained for at least 48 hours after the last disinfection to allow for the dissipation of the disinfectant. This requirement does not apply to the short backwashing procedure inherent in the day to day operation of a pool.]



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The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing water chemistry, disinfection, and circulation systems are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. Filtration.

When any Public Swimming Pool is open, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Water in the Public Swimming Pool must be of sufficient clarity so that the main drain is clearly visible from the closest lifeguard chair or the furthest edge of the Public Swimming Pool, if the Public Swimming Pool has no lifeguard chair;
2. Floating or sunken debris, algae, dirt, filter media, or filter aids must not be present in the Public Swimming Pool; and
3. The circulation system must operate between the minimum Required Flow Rate and the manufacturer's listed filter capacity, as indicated on an approved flow meter.

B. Chemical Treatment.

At all times when the Public Swimming Pool is open, it is the responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Chemical levels.
 - a. Public Swimming Pool (Except Wading, Spa, Spray, and Therapy Pools):
 1. pH a minimum of 7.2 and a maximum of 7.8;
 2. Free chlorine a minimum of 1.5 ppm and a maximum of 10.0 ppm; and,
 3. Total bromine a minimum of 3.0 ppm and a maximum of 8.0 ppm;
 - b. Public Wading, Spray, and Therapy Pools:
 1. pH a minimum of 7.2 and a maximum of 7.8;
 2. Free chlorine a minimum of 3.0 ppm and a maximum of 10.0 ppm; and,



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- 3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm;
- c. Public Spas:
 - 1. pH a minimum of 7.2 and a maximum of 7.8;
 - 2. Free chlorine a minimum of 4.0 ppm and a maximum of 10.0 ppm;
 - 3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm; and
- d. Cyanuric acid a maximum of 80 ppm in any stabilized pool.

- 2. Tests for pH, free chlorine, and total bromine residuals must be performed and recorded at least once every hour when the pool is open. The initial tests must be performed prior to opening the pool to patrons to insure compliance with Section III(B). Tests for cyanuric acid must be performed and recorded at least once a week prior to opening the pool to patrons and after any cyanuric acid treatment.
- 3. Any chemicals used in the Public Swimming Pool water must: (a) be non-toxic to persons in the concentrations found in the water and (b) be clearly labeled with directions for use.
- 4. A convenient method must be provided to measure the effective concentration of the chemical in the water.

Section IV: [Equipment Requirements] Staff Duties and Pool Operation

[It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to maintain the following standards:

A. Safety & Rescue Equipment– General

- 1. First aid supplies comprised of:
 - 1 – Roll adhesive tape
 - 5 – 4” gauze pads
 - 2 – Eye dressing packets
 - 1 – Box of assorted size bandaids
 - 1 – Scissors
 - 1 – Tweezers
 - 1 – Face mask for CPR with one-way valve

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2. Two twin bed size blankets for emergency use only.
3. A working telephone on the pool premises readily accessible to pool users. The 911 emergency number must be conspicuously printed on the telephone. If the telephone is a pay station, it must be one that does not require money to complete an emergency call. When a switchboard connected telephone is used, pool users must be able to dial 911 directly.

B. Safety and Rescue Equipment – General Use Pool

Every general use pool must be equipped with the following readily accessible items for safety and rescue:

1. One or more light but strong poles, bamboo or other, not less than 12' in length, with blunted ends, for making reaching assists or rescues; and
2. A backboard for immobilizing injured persons in the water with a minimum aggravation of their injuries. The board must be constructed of a sound material strong enough to support an adult human body, be a minimum of 72" long and 16" wide, have an adequate number of properly spaced handholds for safety while transporting a victim, and have straps with are quick release buckles of adequate size and strength to secure the victim.

C. Test Equipment

Devices to test the water for free chlorine residual or total bromine, cyanuric acid, if appropriate, and pH must be present and in working condition. These devices must be capable of reading free chlorine residual or total bromine on a scale containing increments between 1.5 ppm and 3.0 ppm chlorine or 3.0 ppm and 8.0 ppm bromine inclusive, and pH values on a scale containing increments in the range between 7.2 and 7.8 inclusive. When chemicals other than chlorine or bromine are used for disinfection of the swimming pool water, appropriate test equipment, approved by the Director, must be present and in proper operating order.

D. Waste Containers

A sufficient number of covered easily cleanable refuse containers must be placed in the bathhouse and pool area.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety, operator certification, user load, suction

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entrapment prevention, toilet, hand sink, and shower facilities, and diving areas and equipment are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. Staffing Requirements.

1. At least one Lifeguard in possession of a valid infant/child/adult or professional rescuer CPR certificate and a valid first aid certificate must be on the immediate premises when the Public Swimming Pool is open.
2. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide a licensed Montgomery County Pool Operator who is on site or who is in Immediate Control. A Montgomery County Pool Operator must be available to respond to operational problems within 15 minutes when not available on site.
3. If a Public Swimming Pool permit is summarily suspended two times in a licensure period for any of the conditions stated in Section X(A) of this regulation, a Pool Operator must remain on the premises any time the pool is open, for the remainder of the licensure period.
4. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to ensure a camp or day care is properly supervised at a Public Swimming Pool in accordance to COMAR 10.17.01.
5. A person may fulfill the function of both a Lifeguard/Spa Guard and Pool Operator when such duplication can be accomplished without adversely affecting the safety of patrons and the operational standards of the Public Swimming Pool.
6. Lifeguards.
 - a. Public Swimming Pool.
 1. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Pool to provide at least one Ready-To-Rescue Lifeguard on the pool deck observing the Public Pool when the Swimming Pool is open.
 2. A Lifeguard must have an unobstructed view of the Swimming Pool bottom and their field of vision must not exceed 90 degrees to the right or left when patrons are permitted in the water.



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- 3. When a break is called, a Lifeguard must continue to be Ready-To-Rescue until all patrons have left the water.
- 4. The Director may require additional Lifeguards to be Ready-To-Rescue or restrict swimming to any portion of any Swimming Pool if the safety of the patrons is deemed to be at risk.
- 5. An Owner, Pool Operator, or Pool Management Company may use a Lifeguard on the deck of a Swimming Pool to monitor an adjacent Wading Pool provided the Wading Pool is not the only Swimming Pool at the facility and the Wading Pool can be observed from the Swimming Pool deck.
- 6. Public Spray Pools are exempt from the Lifeguard requirements in this subsection.

b. Public Spas.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Spa to provide at least one Spa Guard on the immediate premises when patrons are permitted in the water. The Spa Guard must be trained in performing the chemical tests required in COMAR 10.17.01 and stated in this Executive Regulation.

B. Occupancy.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to comply with the following:

- 1. The number of patrons within the immediate premise must not exceed the limit established by the Montgomery County Manual on Public Swimming Pool Construction and the number of patrons in the water must not exceed the number that can be safely supervised by the Lifeguards or that exceeds the limit established in COMAR 10.17.01.
- 2. A visibly posted set of rules must be established and printed legibly on a backing of durable and water-resistant construction. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to enforce the rules which must include prohibiting patrons from:



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- a. Introducing dirt, excreta, foaming agents, soaps and other extraneous matter into the water;
- b. Bringing dangerous objects and materials in the immediate premises;
- c. Unsafe acts, both in and out of the water;
- d. Entering the pool water if patrons exhibit signs of infection or are otherwise shown to be a contamination risk;
- e. Entering the pool water if patrons are not demonstrably Water-Safe or under the Immediate Supervision of a Water-Safe person;
- f. Entering the pool water if patrons are incontinent unless such individuals are clothed in snugly fitting water-proof pants which are designed to prevent the introduction of fecal matter into the pool and are worn over any type of diaper, including swim diapers;
- g. Swimming without a Ready-To-Rescue Lifeguard present on the deck of a Public Swimming Pool;
- h. Bringing any animal, other than a registered service animal, onto the immediate premises or allowing any animal to enter the pool water; and,
- i. Possessing food and beverage on the pool deck in an area other than that established in Section VII(D). This requirement does not include plastic bottled water brought by a patron for personal consumption.

3. Public Spas.

In addition to Section IV, B. 1 and 2 above, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to visibly post and enforce the following rules which prohibit patrons:

- a. From staying in the water for periods in excess of 15 minutes if the water temperature is from 98°F to 104°F. A minimum interval of 5 minutes must be spent out of the water for every 15 minutes in the water;
- b. Under 5 years of age;

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- c. Who are pregnant, or have a history of heart disease, diabetes, or circulatory problems, unless a physician has been consulted before using the spa.

C. Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to correct a hazard within the time frame specified by the Director.

D. Imminent Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to close a Public Swimming Pool when an imminent hazard exists.

Section V: [Records] Safety and Rescue Equipment Requirements

[It is the joint and several responsibility of the owner, pool operator, and pool management company to maintain the following standards at all public pools:

- A. A valid operating permit must be posted on the premises and a valid management company registration certificate if appropriate.
- B. A daily operational log must be accurately maintained, with the following items recorded at the frequency indicated:
 - 1. name of operator on duty – daily;
 - 2. free chlorine residual readings – one hour intervals;
 - 3. pH readings – one hour intervals;
 - 4. rate of flow readings – daily;
 - 5. weather – daily;
 - 6. attendance – daily;
 - 7. cyanuric acid residual readings – once weekly and after each addition of cyanuric acid;
 - 8. total bromine residuals – one hour intervals.
- C. The form of this log must be approved by the director.
- D. The log must be available on the premises for inspection by the director, include sheets for the previous thirty days, and be easily readable.]

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The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing test kits, decks, and public pool and spa safety are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide the following at each Public Swimming Pool:

A. Safety & Rescue Equipment – All Public Swimming Pools.

1. A first aid kit as recommended by the American Red Cross and the following:
 - 5 – 4 inch gauze pads
 - 2 – Eye dressing pads
 - 1 – Pair of Scissors
 - 1 – Tweezers
 - 1 – Face mask with one-way valve for performing CPR
 - Disposable latex plastic gloves
2. Two twin size blankets for emergency use only;
3. A telephone that meets the requirements of COMAR 10.17.01.40 (2013). The facility’s telephone number must be clearly posted. If a cellular telephone is used, the phone must be the property of the Owner or Pool Management Company, adequately charged, functioning, available to patrons and pool personnel, only used for emergencies, and remain at the Swimming Pool when the Public Swimming Pool is open;
4. A bloodborne pathogen control kit;
5. Testing equipment for pH and the approved chemicals in use must be provided. The testing equipment must be in proper working condition and capable of reading free chlorine residual or total bromine on a scale containing a minimum of 1.0 ppm increments with a range of 1.5 ppm to 10.0 ppm chlorine or 3.0 ppm to 8.0 ppm bromine inclusive, and pH values on a scale containing 0.2 increments with a range of 7.2 to 7.8 inclusive; and
6. A means for disabled patrons to enter and exit any indoor Public Swimming Pool or a Public Swimming Pool constructed after February 10, 1997 and all Montgomery County-owned pools. Any handicapped accessible equipment must be in good working condition.

B. Safety & Rescue Equipment - Public Pools.

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1. One or more lightweight but strong poles that are not less than 12 feet in length and equipped with blunted ends to assist or rescue patrons;
2. An approved Backboard designed for medical emergency use equipped with three quick release straps and a head immobilizer; and
3. A rescue tube for each Ready-To-Rescue Lifeguard.

Section VI: [Housekeeping] Records

[It is the joint and several responsibility of the owner, pool operator, and pool management company to maintain the following standards at all public pools:

A. Decks and Surroundings

Decks must be clean, and free of algae, debris, puddles, and ponded water. Surrounding areas must be kept free of trash, litter, and glass. Waste containers must be emptied at sufficient intervals to keep them from overflowing. All drains must function.

B. Bathhouse and Restrooms

1. All facilities within the bathhouse and restrooms must be maintained in a clean and sanitary manner at all times. Floors and fixtures must be washed with detergent and an approved disinfectant solution to maintain them in a safe and sanitary manner.
2. Hot water, a minimum of 90°F., must be provided for bather showering. Water temperature must not exceed 115°F. Soap must be provided at each shower and hand sink.
3. Toilet paper must be provided at each toilet.

C. Filter and Pump Rooms

1. Filter and pump rooms must be kept clean, uncluttered, and reasonably dry at all times. Chemical spills, waste material, excess water, and debris must be promptly removed. Supplies and chemicals must be labeled and stored properly to prevent deterioration and accidents.
2. Controls, valves, and gauges must be accessible. Valves and gauges must be properly functioning and labeled in accordance with a posted backwash procedures chart.



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3. Filter and pump rooms must be adequately lighted so that all controls, valves, and gauges can be easily identified and read.
4. Filter and pump rooms must be adequately ventilated to control excessive heat and vapor.

D. Food and Drink Facilities

When food or drink are sold or available on the pool premises, all such food and drink must be consumed in an area physically segregated from the pool and pool deck area. The owner or operator must post and maintain appropriate signs to inform the pool patrons of the requirements. A license to serve food or drink is required by the director.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing operating records and injury and illness reports are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards.

It is the responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

A. An operational log must be must be available at all times for inspection. An operational log must include the information required in COMAR 10.17.01 (2013) and:

1. Approved disinfectant residuals recorded at one hour intervals and prior to opening for the day;
2. pH levels recorded at one hour intervals and prior to opening for the day;
3. Cyanuric acid concentration (if in use) recorded once weekly for a public pool and daily for a Public Spa and after each addition of cyanuric acid, when the level is stabilized; and
4. The reason a Public Swimming Pool was closed (if appropriate) and any action taken as a result of the closure.

B. All Public Swimming Pool equipped with an approved Vacuum Release System (VRS) must be tested and recorded daily prior to opening.

C. An Injury and Illness Report form must be completed and submitted to the Director as required in COMAR 10.17.01.

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Section VII: [Summary Enforcement] Maintenance and Cleanliness of the Immediate Premises and Accessory Equipment

- [A. When any of the following conditions are found to exist at any public pool, the pool permit must be suspended and the pool closed until such time as the condition has been corrected and an inspection by the director has been made or approval to re-open has been granted by the director:
1. A lifeguard is not on the pool deck of a general use pool, or a spa guard is not on the premises of a spa;
 2. The main drain is not clearly visible from the nearest lifeguard chair or the furthest edge of the pool, if the pool has no lifeguard chair;
 3. The free chlorine, total bromine, pH, or cyanuric acid readings of the pool water are other than specified under Section II, B.1;
 4. The recirculating equipment is not working properly for more than one hour;
 5. The water level is below the skimmers in pools using this method of circulation;
 6. The chemical disinfectant feeder has not been functional for a period of 24 hours; provided that pH, free chlorine, total bromine, or other approved disinfectant residuals are maintained in accordance with Section II, Water Quality;
 7. The bathhouse drainage system is blocked sufficiently to render the bathhouse unusable, water is not available at sufficient pressure to operate the bathhouse, waste disposal systems are inoperable, unsanitary conditions exist, or the bathhouse is unusable for other health or safety reasons;
 8. The director has been wrongfully denied permission to inspect the pool pursuant to Chapter 51 and these regulations;
 9. A licensed Montgomery County pool operator is not in immediate control of the pool;
 10. The director determines that an immediate hazard exists to the health or safety of the users of any pool;
 11. At least one lifeguard currently certified in infant/child/adult CPR is not within the pool enclosure.



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- B. When a pool is closed for any of the above reasons it must remain closed pending:
1. Verification by the director of the correction of that all the conditions creating the hazard, including Sec. VII, A. 9 above; or
 2. Presentation of evidence by the owner, pool operator, or pool management company, satisfactory to the director, that such conditions either do not exist or are not hazardous.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing decks, plumbing, disinfection of towels, antiscald protection for showers, equipment rooms, and maintenance are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

A. Decks and Immediate Premises.

1. Decks must be clean and free of algae, debris, and ponded water.
2. The immediate premises must be kept free of trash and glass.
3. A sufficient number of covered, cleanable waste containers must be placed in the bathhouse and within the immediate premises. Waste containers must be emptied at sufficient intervals to keep them from overflowing.
4. All drinking fountains, foot showers, and deck drains must be in good working condition.

B. Bathhouse and Restrooms.

1. All facilities within the bathhouse and restrooms must be in good working condition and maintained in a clean and sanitary manner. A sanitary napkin disposal container must be provided in the women's bathhouse.
2. Hot water, at least 90°F and less than 115°F, must be provided at each shower and, for Public Swimming Pools constructed after the effective date of this regulation, each hand sink must have at least 90°F of hot water.
3. The following must be provided in a bathhouse restroom:



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- a. Soap in a dispenser at each shower;
 - b. An adequate supply of soap in a dispenser and paper towels or other approved hand drying device at hand sinks and;
 - c. Toilet paper at each toilet.
4. Swimsuits may not be provided by a Public Swimming Pool facility unless the recipient becomes the sole owner of the suit and is responsible for its care and cleaning.
 5. Towels provided by a Public Swimming Pool must be properly washed and disinfected after each use. A covered, cleanable container must be provided to collect soiled towels. Clean towels must be stored in a sanitary manner.

C. Equipment Rooms.

1. Filter and pump rooms must be kept clean, uncluttered, and reasonably dry at all times. Chemical spills, waste material, excess water, and debris must be promptly removed. Supplies and chemicals must be stored in labeled containers.
2. Controls, valves, and gauges must be accessible. Valves and gauges must be in good working condition and labeled in accordance with the Backwash Chart.
3. Filter and pump rooms must be adequately lighted so that all controls, valves, and gauges can be easily identified and read.
4. Filter and pump rooms must be adequately ventilated to control excessive heat and vapor.
5. A Backwash Chart and Data Sheet must be provided.
6. The elements of cartridge filter systems must be cleaned and/or replaced according to the manufacturer's recommendation.
7. A complete second set of cartridge filter elements must be provided on site along with container(s) of sufficient size to hold these elements.
8. The backwash waste water and waste water from the cleaning of cartridge filters must be discharged into an approved sanitary sewer system.

D. Eating and Drinking.



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When food or drink is allowed on the immediate premises, all such food and drink (with the exception of plastic containers of beverages) must be consumed in an area that is at least 6 feet from the Swimming Pool's edge. If the Owner plans to sell or serve food or drink (including at swim meets), a food service facility permit is required by the Director.

Section VIII: Emergency Plan

It is the joint [and several] responsibility of the [owner, pool operator] Owner, Pool Operator, and any retained [pool management company if appropriate] Pool Management Company to provide a written emergency [procedures, readily visible,] plan accessible to pool personnel and to [ensure that] train the personnel [are familiar with these procedures] on implementing the plan. The emergency plan must include procedures for managing emergencies and must be readily accessible to pool personnel.

Section IX: Inspections

The [director] Director must be allowed to inspect any part of a Public Swimming Pool during [reasonable hours, any part of a public swimming pool, its machinery, decks, operating records, and all appurtenances, for the purposes of determining compliance with the provisions of these regulations and all supporting codes and ordinances] operational hours.

Whenever an inspection of a [public swimming pool] Public Swimming Pool is made, the findings must be recorded on the inspection report form currently authorized by the [director] Director. One copy of the inspection report form must be furnished to the [pool owner, pool operator, or pool management company] Owner, Pool Operator, or Pool Management Company representative. The inspection report form [must summarize the requirements of Chapter 51 and] must provide a specific and reasonable period of time for the correction of violations.

When the [director] Director is denied entry to the pool to make any lawful inspection pursuant to Chapter 51 of the Montgomery County Code[, 1994, as amended,] or these regulations, the [director] Director may immediately suspend the [swimming pool] Swimming Pool permit and order the pool to be immediately closed pending final resolution of the matter pursuant to the provisions of Section 51-13[,] of the Montgomery County Code[, 1994].

Section X: [Reinstatement] Summary Enforcement

[Any person whose swimming pool permit has been suspended, must make application for a reinspection for the purpose of reinstatement of the permit.

Within a reasonable time period following the submission of the application and fee, the director



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must either make an inspection or otherwise determine whether the conditions causing the suspension have been corrected. If the director finds that the pool is in conformity with Chapter 51, Montgomery County Code, 1994, and these regulations, the permit must be reinstated.]

A. When any of the following conditions are found to exist at a Public Swimming Pool, the pool operating permit must be suspended and the Public Swimming Pool closed until such time as the condition has been corrected and an inspection by the Director has been made or approval to re-open has been granted by the Director:

1. A Lifeguard is not on the pool deck and observing patrons in the water of a public pool, a Spa Guard is not on the immediate premise;
2. The main drain is not clearly visible from the nearest lifeguard chair or the furthest edge of the Swimming Pool, if the Swimming Pool has no lifeguard chair;
3. The free chlorine, total bromine, pH, other approved disinfectant residual, or cyanuric acid concentration in the pool water are other than specified in COMAR 10.17.01;
4. The circulating equipment is not working properly for more than one hour;
5. The water level is below the skimmers in pools using this method of circulation;
6. The chemical disinfectant feeder has not been functional for a period of 24 hours provided that the pH, free chlorine, total bromine, or other approved disinfectant residuals are maintained in accordance with COMAR 10.17.01;
7. The bathhouse or restroom drainage system is blocked sufficiently to render the bathhouse or restroom unusable, water is not available at sufficient pressure to operate the bathhouse or restroom, waste disposal systems are inoperable, unsanitary conditions exist, or the bathhouse or restroom is unusable for other health or safety reasons;
8. The Director has been wrongfully denied permission to inspect the Public Swimming Pool pursuant to Chapter 51 and any regulations promulgated under that Chapter;
9. A licensed Montgomery County Pool Operator is not in Immediate Control of a Public Swimming Pool, as required.
10. The Director determines that an imminent hazard exists to the health or safety of the users of any Public Swimming Pool; or,



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11. At least one Lifeguard or Spa Guard does not possess an approved CPR certificate and is not within the Swimming Pool enclosure.

B. When a Public Swimming Pool is closed for any of the above reasons it must remain closed pending:

1. Verification by the Director that all of the conditions which resulted in suspension of the permit have been corrected; or,
2. Presentation of evidence by the Owner, Pool Operator, or Pool Management Company, satisfactory to the Director, that such conditions either do not exist or do not constitute an imminent hazard.

Section XI: [Appeals] Reinstatement

[A decision of the director revoking or suspending a permit, license, or registration may be appealed to the County Board of Appeals within 10 days from the receipt of the decision.]

The Owner, Pool Operator, or Pool Management Company whose Swimming Pool permit has been suspended, must make application for a re-inspection and pay any required re-inspection fee for the purpose of reinstatement of the permit.

Within 10 business days following the submission of the application and fee, the Director must either make an inspection or otherwise determine whether the conditions causing the suspension have been corrected. If the Director finds that the Public Swimming Pool complies with Chapter 51 and these regulations, the permit must be reinstated.

[Sec. 2.] Section XII: [Severability] Appeals

[If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.]

A decision of the Director revoking or suspending a permit, license, or registration may be appealed to the County Board of Appeals within 10 days from the receipt of the decision.



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Section XIII. Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.


 Isiah Leggett
 County Executive

Approved as to Form and Legality
Office of the County Attorney

By: Kristen Kalin

Date: 10 September 2013

09/26 - DHHS/L&R

EXEC REG



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

January 6, 2014

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MONTGOMERY COUNTY
COUNCIL

2014 JAN -6 AM 11:28

LAM
CC
SBF
LL
JG

TO: Craig Rice, President
County Council

FROM: Isiah Leggett
County Executive

Method 2

SUBJECT: Executive Regulation 22-12, Manual on Public Swimming Pool Construction

I am attaching for Council's consideration Executive Regulation 22-12, Manual on Public Swimming Pool Construction. It supersedes Executive Regulation 61-91 which has been in effect for over 40 years. Over that time there have been many innovations in pool design and construction that the current Regulation does not address. Last year the Department of Health and Human Services undertook a complete review of the Regulation at the request of the Cities of Rockville and Gaithersburg, the Department of Recreation, and local pool management companies. The proposed Regulation incorporates many suggestions offered by these groups and is in line with current State regulation¹ and with national standards for the industry.

The Regulation incorporates by reference provisions in State regulation that update definitions and establish requirements for public pool and spa safety and public pool and spa certification. Many provisions also needed to be rewritten or removed to address new issues presented by the installation of pools on the roofs of high-rise buildings. The Regulation also makes the following specific changes.

1. Section III.B.1. Barrier Requirements. This provision changes the exterior wall requirements to better accommodate roof-top pools and changes in industry design features.
2. Section IV. Pool size. This section changes the methodology used for determining allowable size of pools. It will allow properties on small parcels, high-rise buildings and condominiums to meet "green roof" requirements and still be able to install roof-top swimming pools. The new methodology is in line with State regulation and reflects current requirements in place for 90% of public pools in the United States.
3. Section VI. D. Dry Deck. The definition here has been changed in a way to allow for "infinity edge" pools to be constructed.
4. Section VI. J. 5. This provision eliminates the use of chlorine gas as a permissible disinfectant for pools.

¹ COMAR 10.17.01 (2013) Public Swimming Pools and Spas



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5. Sections XII E. 3 and 5. Showers, Toilets, and Lavatory Facilities. These provisions have been changed to allow 50% of the required showers to be placed on the pool deck.

Executive Regulation 22-12 was posted for written public comment in the Montgomery County Register on May 1, 2013. The period for public comment closed on June 1, 2013. Only one comment letter was submitted. It came from Federal Realty Investment Trust ("The Developer Group") whose comment letter was "produced with input from a large group of residential developers in the County." Those comments are summarized below along with Executive response. A copy of the comment letter is attached.

POOL SIZE AND LIFEGUARD REQUIREMENT

Comments on Section IV. A. 2 Pool Size

The Developer Group requested a further reduction in the calculation of minimum size of the pool for a multi-unit residential building to be .1 times the sum of apartments and bedrooms or 600 square feet, whichever is less.

The Developer Group also suggested that the number of required lifeguards be based solely on bather load.

Response Regarding Comments to Section IV. A. 2 Pool Size

The Executive Regulation has been amended to accommodate the first request. Pool size will be based on the bather load as calculated by the pool dimensions rather than a sum of units and bedrooms. This will give developers more flexibility in the design of roof top pools and deck areas, allowing them to make full use of the limited space available. In most instances these smaller pools will need no more than one lifeguard.

However, State regulation clearly specifies that there are factors in addition to bather load that must be considered when determining the total number of lifeguards required². Those factors relate to pool or user characteristics that may create additional safety concerns. The County must continue to enforce this part of State Regulation.

BATHHOUSE REQUIREMENTS

Comments on Section XII: Bathhouse Requirements

The Developer Group requested that the Executive Regulation exempt multi-family residential buildings from the bathhouse requirements when certain conditions are present. They argue that residents and their guests have access to equivalent sanitary facilities in their own units. They also argue that the requirement is expensive, unnecessary, and not required by State Regulation.

² COMAR 10.17.01.40.D

Response to Comments on Section XII: Bathhouse Requirements

As proposed, the Executive Regulation required full men's and women's restrooms with multiple toilet stalls and showers for each sex immediately at the entry to the pool deck. Under State regulation³, these facilities are not required when bathers have access to equivalent facilities within living quarters or buildings not more than 500 feet from a pool or spa entrance.

The Executive Regulation has been amended in a way that is consistent with the intent of the State regulation but makes clear that the 500 feet does not include distances between floors. ER 22-12 adopts the State language but adds the term "horizontal" to the County provision. Thus, if the equivalent sanitary facilities are within 500 **horizontal** feet of the pool there is no need to provide those facilities at the entry to the pool deck. However, if the equivalent facilities are beyond that range, the owner must include "an adjacent bathhouse equipped with showers, toilets, sinks and dressing rooms."

POOL DECK SIZE AND OFF-SEASON USES

Comments Regarding Section IV.B.1 and IV.C: Pool Deck Size and Off Season Uses

The Developer Group requested that the minimum deck size set by County Regulation be reduced to be consistent with existing State requirements. They also sought County approval for the use of the pool deck area for functions during the off season when swimming pool is not in use.

Response to Comments on Section IV.B.1 and IV.C: Pool Deck Size and Off Season Uses

The Executive Regulation has been amended to address the concern raised about minimum pool deck size. Sections IV B.1 and C have been deleted. The local requirement has been removed and pools need only comply with State regulation regarding minimum deck size.

The County declines to take responsibility for approving conditions under which a pool deck area may be used for alternative purposes in the off-season when a pool is not in use.

FENCE HEIGHT

Comments Regarding Section III.B: Fence Height and Location

The Developer Group requested that the height of the pool fence or barrier be reduced from 60 inches as proposed to 42 inches when the pool deck is located on the roof of a multi-family or hotel building and the fence or barrier is located along the edge of the building.

³ COMAR 10.17.01.35.B

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Response to Comments on Section III.B: Fence Height and Location

The Regulation changes the term “Fencing requirements” to “Barrier requirements”. Under State Regulation⁴, the term barrier is defined as “a fence or wall or a combination of a fence and wall that completely surrounds and obstructs access to the pool or spa.” In situations where a pool is located on the roof and the barrier is located along the edge of the building, the barrier will be in compliance with the requirements regarding public swimming pools provided that the exterior wall of the building is at least 72 inches above grade. Thus for pools constructed on the roof top of buildings higher than 72 inches the County does not establish a minimum height for the additional fencing that may be constructed on the roof top. These pools, however, will still be required to meet additional barrier requirements as established by the International Building Code and County regulations enforced by Montgomery County’s Department of Permitting Services.

CREATIVE POOL DESIGN

Comments Regarding Creative Pool Deck Design

The Developer Group requested that the Executive Regulation include language that “allows the developer to work with staff to allow for exceptions in those instances where it can be demonstrated that the lifeguard can adequately serve the swimming population without impact.”

Response to Comments Regarding Creative Pool Deck Design

The County understands the desire of developers and owners to have maximum flexibility in incorporating innovative design concepts in order to increase the marketability of their properties. State regulation has a variance process⁵ which establishes the criteria under which an owner may apply for a variance to State regulation regarding pools. Licensure and Regulatory Staff are willing to discuss alternative design features that may not be fully addressed in State or County regulation at any stage of the process. Following that approach, we have included language in the Executive Regulation that accommodates the request to have waterfalls and infinite edge pools and we are working to address options that would allow shallow pool shelves.

However, any exception must meet the criteria established by the State. The County can establish more stringent regulations, but cannot approve any plan or procedure that is less strict than that contained in State regulation. We see no need to add language to the Executive Regulation that might create confusion about that process.

This Regulation is being promulgated under Method 2 of Section 2A of the Montgomery County Code. If you have any questions, please contact Mr. Clark Beil, Department of Health and Human Services, Licensure and Regulatory Services, at clark.beil@montgomerycountymd.gov or 240-777-3831.

IL:ss

Attachments

⁴ COMAR 10.17.01.05.B (3)

⁵ COMAR 10.17.01.53.B



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Montgomery County Department of Health and Human Services
Regulation On:

MANUAL ON PUBLIC SWIMMING POOL CONSTRUCTION

Issued by: County Executive

Regulation No. 22-12

COMCOR

Authority: Code Section 51-12

Supersedes: Regulation No. 61-91

Council Review: Method (2) under Code Section 2A-15

Register Vol.30 No.5

Comment Deadline: May 30, 2013

Effective Date:

Sunset Date: None

SUMMARY: This regulation has been revised to coincide with State regulations and current industry standards.

ADDRESS: Director, Department of Health and Human Services
255 Rockville Pike, Suite 100
Rockville, Maryland 20850.

STAFF CONTACT: Clark Beil, Telephone 240-777-3831.

BACKGROUND INFORMATION: This regulation establishes the operating standard for public pools in Montgomery County in order to protect the health and welfare of the pool users. It has been in effect since 1971 with this version incorporating the requirements of the State of Maryland COMAR 10.17.01 (2013): Public Swimming Pools and Spas. Pool management companies, the City of Gaithersburg, the City of Rockville, and the Montgomery County Department of Recreation commented on the revisions and several changes were made at the request of these organizations.



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Section 1: Definitions

This regulation adopts the definitions contained in the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, unless superseded or amended by the following definitions:

1. A.N.S.I. means the American National Standard Institute for Public Swimming Pools.
2. Approving Authority means the Director of the Department of Health and Human Services or the Director's designee.

[Approving Authority - The director of the Department of Health and designated agents.]

[Bather - Any person using the spa, pool, and adjoining deck areas for the purpose of water sports, recreation, therapy or related activities.]

3. Decks [- Those] means those areas surrounding a pool which are specifically constructed or installed for use by [bathers] patrons.
4. Deep Area [- That area on the deep side of the transition point in the swimming pool] means swimming pool water depth that exceeds five feet.
5. Diving Pool [- A] means a swimming pool intended for use exclusively by divers.
6. Dry Deck means all pedestrian surface areas within the pool enclosure not subject to frequent splashing or constant wet foot traffic. Landscape areas are not included in this definition.
7. Egress means the manner of exiting the pool.

[F.I.N.A. - International Amateur Swimming and Diving Federation.]

8. Floor [- The] means the interior bottom pool surface which consists of that surface from a horizontal plane up to a maximum of a [45 degree] 1:3 slope.
9. Handrail [- A] means a corrosion resistant tube or bar extending above and returning to the horizontal surface of the pool deck, curb, or coping and located at each side of each ladder and in the center or on one side of each stairway.



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10. Hazard means a condition or situation that could cause injury or illness to a patron or pool personnel.

11. Hydrostatic Relief [- A] means a method of reducing the water pressure around an empty or partially filled pool.

12. Immediate Premises means the area within the enclosed boundaries of the pool site.

[N.C.A.A. - National Collegiate Athletic Association.]

13. Non-Swimming Area [- Any] means any portion of a pool where water depth, offset ledges or similar irregularities would prevent safe swimming activities.

14. N.S.P.I. [-] means the National Spa and Pool Institute.

15. Overflow System [- Perimeter] means perimeter type overflows, surface skimmers and surface water collection systems of various design and manufacture.

16. Patron means any person using a Public Swimming Pool, the adjoining deck area, or the immediate premises for the purposes of water sports, recreation, therapy, or related activities.

17. Private Spa means any outdoor bathing structure that is:

- a. a self-contained unit in which all control, water heating, and water circulating equipment is an integral part of the unit;
- b. built on the grounds of a single-family private residence;
- c. used solely by the owner, immediate family, tenants, or guests; and
- d. not used for swimming, diving, or wading.

18. Private Swimming Pool [- Any] means any swimming pool that is:

- a. built on the grounds of a single family residence; and



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b. used solely by the owner, immediate family, tenants, and guests.

19. Public Swimming Pool [- Any] means any swimming pool, except a private swimming pool or private spa, which is intended to be used collectively, [by numbers of persons] by a number of persons for swimming, diving, wading or recreational bathing. Public [Pools] Swimming Pools [are categorized by the following classes] include:

1. [Class A - General Use] A Public Pool [- Any pool] that is:

a. not a Public Spa; and

b. is [including diving, wading and training] intended for public recreational use [and competition] such as swimming, diving, wading, therapy, competition or associated activity.

2. [Class C - Special Purpose Pool - Any pool intended for public, recreational and therapeutic uses other than swimming, wading, diving or general recreational use which is not drained, cleaned or refilled for each user. This standard excludes units used in conjunction with the private practices of physicians and/or physical therapists]

A Public Spa that is:

a. intended for public recreational and therapeutic uses other than swimming, diving, or wading; and

b. is not drained, cleaned, or refilled for each user.

20. Shallow Area [- That area on the shallow side of the transition point in the swimming pool] means an area where the water depth is five feet or less.

[Spa - Class C pool.]

21. [Steps] Stairs, Recessed [Steps] Stairs, Ladders, and Recessed Treads [- Those] means those means of entry and exit to and from the pool.

[1] a. [Steps] Stairs [- A] means a riser and tread or series of risers and treads extending down from the deck into the pool.

[2] b. Recessed [Steps] Stairs [- A] means a riser and tread or series of risers and treads



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extending down from the deck to the pool floor with the bottom riser or tread termination at the pool wall (thus creating a "stair well").

[3] c. Ladders [- A] means a series of vertically separated treads or rungs either connected by vertical rail members or independently fastened to an adjacent vertical pool wall.

[4] d. Recessed Treads [- A] means a series of vertically spaced cavities in the pool walls creating tread areas for stepholes.

22. Swimming Pool [- Any], whether public or private, means any artificial structure, basin, chamber or tank, except a private spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A [Swimming] swimming pool includes all [appurtenant] associated equipment, structures, and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a swimming pool.

23. Toxic [- An] means an adverse physiological effect on man or the environment.

24. Training Pool [- A] means a pool not normally in excess of 3.5' deep at its points of maximum depth and usually reserved for use by persons learning to swim.

25. Transition Point [- That] means the place in the floor of the pool between water depths of 4'6" and 5'6" where an abrupt change in slope occurs. The transition point must be at the 5' depth in pools having a constant slope.

26. Turnover [- The] means the time required to [recirculate] circulate the entire pool volume of water through the filtration system and back to the pool.

[U.S.S. - United States Swimming.]

27. Vertical [- A] means a line or surface running perpendicular to the plane of the horizon; a truly plumb line.

28. Wading Pool [- A pool] means a Public Pool [not in excess] that is a maximum of 24" deep [at its maximum depth] and [usually reserved] primarily intended for use by [small] children.

[Walls - The interior pool wall surfaces consisting of surfaces from the vertical to a 45 degree



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slope.]

29. Water Line[-]:

- [1] a. Skimmer system - the water line is the midpoint of the operating range of the skimmers.
- [2] b. Overflow Systems – [The] the water line is the height of the overflow rim.

30. W.S.S.C. [-] means the Washington Suburban Sanitary Commission.

Section II: Plans and Inspections

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards.

- A. Plans and specifications requirements.
 - 1. [Two copies] One copy of the plans and specifications must be submitted to the Approving Authority.
 - 2. Plans and specifications must include sufficient information to permit detailed review for compliance with the Ordinance and this Manual.
 - 3. Plans and specifications must be drawn to scale and contain these elements:
 - a. [Class] Type of pool as defined in Section I.
 - b. Location diagram.
 - c. Site plan, including location of roads, utilities, and drainage.
 - d. Swimming Pool layout, including appurtenances.
 - e. Piping layout, including summary table of pool fittings and complete hydraulic calculations for determining dynamic head.



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- f. Filter room layout.
- g. Bathhouse plan, unless no bathhouse required.
- h. Equipment specifications, including performance curves for circulating pumps to be used, as prepared and certified by the manufacturer. Make and model number must be submitted for all NSF equipment. Specifications sheets must be submitted for all non-NSF equipment.
- i. Structural sections.
- j. Finish schedule of all surfaces.
- k. Copy of the Opinion of the Board of Appeals, when applicable.

NOTE: Review by the Approving Authority does not include review for compliance with the Building Code, the Plumbing Code, or the Electrical Code. Separate plans must be submitted to the Department of [Environmental Protection] Permitting Services for building and electrical approval, to WSSC for plumbing approval, or the City of Rockville or the City of Gaithersburg as applicable.

B. Inspection requirements.

1. An inspection and pressure test must be performed by the Approving Authority of the circulation piping [must be made by the Approving Authority] before the pool bottom is installed.
2. Prior to licensure, the [pool] Swimming Pool must be inspected for compliance with the plans, especially the circulation piping and the installed equipment.
3. Prior to licensure, an operating test[,] checking flow distribution in the [pool] Swimming Pool and performance of equipment must be completed satisfactorily.
4. The owner must provide for inspection of manufacturers' manuals for the installed equipment and written instructions for the operation of the particular pool.

Section III: Site and Utilities

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator

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certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards.

A. Location requirements.

1. A [swimming pool] Swimming Pool must not be located in a 100-year flood plain unless the pool deck and equipment is established at elevations to protect them from flooding.
2. Storm drainage must not discharge into the [pool] Swimming Pool enclosure [unless adequate drains are provided to handle the water flow].
3. The water surface of indoor [pools] Swimming Pools must not be located directly below waste pipes.
4. The water surface of any [pool] Swimming Pool must not be located directly under power wires.
5. Rooftop [pools] Swimming Pools must be located reasonably close to the elevators.
6. Emergency access to the [pool] Swimming Pool and deliveries to equipment areas must be possible by means of:
 - a. ability to drive a vehicle directly to the equipment area and [pool enclosure] immediate premise; or
 - b. ability to drive a vehicle to a point within reasonable distance of the [pool] Swimming Pool. The point must be connected with the pool by a hard surface walk containing no steps or grades exceeding 15%; or
 - c. elevators and nearby stairways in the case of rooftop and/or indoor [pools] Swimming Pools. The elevators and stairways must be of such dimensions as to permit manipulation of a loaded litter.
7. Public water supply and sewer must be available to the site, [unless these utilities can be reasonably extended to the site,] or an approved individual water supply system and/or an approved individual sewage disposal system can be installed satisfactorily on the site.
8. The location of the site must permit the removal of backwash water in accordance with the requirements of [the Maryland Water Resources Administration and/or] W.S.S.C., the City



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of Rockville, or the City of Gaithersburg as applicable.

9. Swimming [pools] Pools must discharge into sanitary sewer systems where such systems are available and service is granted by W.S.S.C. or other operating agency.

B. [Fencing] Barrier requirements.

1. All outdoor [swimming pool] Swimming Pool areas must be enclosed by [an ornamental wire, wood stave or other type] a barrier designed so as to minimize the possibility of unauthorized or unwary persons entering the pool area. [Entrances through the barrier must be provided with gates having locks and must be located so that the points of access for the users of the pool, through the barrier or from the bathhouse, are on a part of the pool deck adjacent to the shallow area.] The [fence or] barrier must not be less than 72 inches in height [, measured on the outside, and 42 inches in height, measured on the inside]. The Approving Authority may grant an exemption from the barrier being 72 inches in height [where the pool is an ancillary feature of the entire operation and is located on spacious grounds away from population centers]. If an exemption is granted, the [fence or] barrier must not be less than [42] 60 inches in height, measured from the deck. [A lockable gate, at least 42 inches wide, must be provided in the fence or barrier for direct emergency access to the deck area.]

2. All wading pools must be surrounded by a fence or barrier at least 42 inches in height. A gate must be provided.

3. Sand beaches and other unpaved areas which are designed for use by [bathers] patrons and which have surface material which will cling to the feet, must be separated from the pool deck by a fence, planting, or other permanent barrier [and] such that access to the deck is gained only at controlled access points. Areas designed primarily for spectator use must be separated from areas used by [bathers] patrons by a fence, partition, or other physical means. Entrance to these areas must not be through areas normally used by [bathers] patrons.

C. Utility requirements.

1. If a public water supply is available to the site on which the pool is located, water from the public water system must be used to serve the pool and all plumbing fixtures.

2. The potable water supply system must meet the requirements established by the Maryland State Department of Health and Mental Hygiene and the Montgomery County Code for



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potable water service and must be able to maintain minimum pressure under all normal usages.

3. All portions of the potable water supply system serving the [swimming pool] Swimming Pool and auxiliary facilities must be protected against backflow.
4. Potable water introduced into the [swimming pool] Swimming Pool, either directly or to the [recirculation] circulation system, must be supplied through an air gap of at least [1 ½] 2 pipe diameters or other approved means.
5. If a public sewerage system is available to the site on which the pool is located, connection must be made to the system. Swimming [pools] Pools must discharge into sanitary sewer systems where such systems are available and service is granted by W.S.S.C. or other operating agency.
6. The sewerage system must be adequate to serve the facilities including the bathhouse, locker room, and related accommodations in accordance with the requirements of the Maryland State Department of Health and Mental Hygiene and the Montgomery County Code and/or [WSSC] W.S.S.C.
- [7. When wash water from diatomaceous earth filters is to be discharged into a storm sewer or watercourse, a retention basin equal to or greater than 2 filter volumes or a pressure separation tank of sufficient size to handle one complete backwash must be provided to settle out the foreign material.]

Section IV: Sizing of Pools

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

- A. [The pool must be sized to the expected bather population, where this is predictable. Unless competent evidence to the contrary is shown, the minimum design population for:] The capacity of the pool, which is the maximum number of persons permitted in the pool at any given moment, is established as follows:

[1.] [A general use, competitive, community or neighborhood pool equals 1.33 times the stated family membership.]



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[2]1. [A general use or competitive pool serving an apartment or condominium project equals 0.25 times the sum of the total number of apartments plus the total number of bedrooms, including efficiencies.] Public Pools – After deduction of the 300 square feet for each diving board or platform, one person is allotted for every 20 square feet of Deep Area and one person for every 12 square feet of shallow area. One additional person is allotted for each diving board or platform.

[3]2. [A community or neighborhood pool in a Planned Unit Development serving families obligated under recorded covenants running with the land to pay an assessment for use of pool facilities without having to explicitly express an interest to join the pool as a member equals 0.86 times the number of such families. Multiple pool facilities held by or for such families will be considered in the aggregate total capacity. At no time must the total aggregate capacity of such pools be less than the capacity required for the total number of families being served.] Public Spas – One person is allotted for every 9 square feet of total water area.

B. [The capacity of the pool, which is the maximum number of persons permitted in the pool at any given moment, is established as follows:] Pool and enclosure capacities must be determined by the Approving Authority in writing and must be conspicuously posted by the owner at the pool.

[1. The total capacity of the pool(s) is predicated upon the existence of walk and deck area equal to the total water area(s), which is a minimum requirement.

2. Class A pools - After deduction of 300 square feet for each diving board or platform, one person is allotted for every 20 square feet of deep area and one person for every 10 square feet of shallow area. One additional person is allotted for each diving board or platform.

3. Class C pools - One person is allotted for every 7 square feet of total water area.

4. Wading pools and training pools - One person is allotted for every 10 square feet of surface area.

C. For periods of maximum use, additional enclosure capacity is allotted at the rate of one person for every 20 square feet of usable enclosure area above that required for pool, deck, and walk-areas as set forth in Section IV. B.1 above. This additional capacity may not be



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used to increase membership total and must not be in excess of 45% of the total calculated capacity of the pool.

D. Pool and enclosure capacities must be established by the Approving Authority in writing and must be conspicuously posted by the owner at the pool.]

Section V: Pool Shell and Appurtenant Fixtures

This regulation adopts the pool and spa safety and operator certification sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, as the operating standards of this regulation unless superseded or amended by the following specific standards:

A. General.

1. The [swimming pool] Swimming Pool structure must be constructed of materials which are non-toxic to man and the environment, resistant to permanent deformation, impervious and enduring, can withstand the design stresses, will provide a watertight structure, and have a smooth and easily cleanable surface without cracks or joints, excluding structural joints.
2. Wood, sand, or earth must not be permitted for surfaces in a [swimming pool] Swimming Pool.
3. The floor of all pools must be white, light colored, or light colored patterns in order to facilitate the identification of any objects within the pool.
4. The surfaces within a [swimming pool] Swimming Pool intended to provide footing for [bathers] patrons must be designed to provide a slip-resistant surface. The roughness or irregularity of such surfaces must not cause injury or discomfort to the feet.
5. An adequate means of hydrostatic relief must be provided.
6. There must be no hazardous protrusions, including underwater ledges, from the floor or walls of the pool into the water. [This should not be construed to mean ladders or stairs or underwater seat benches in spas.]
7. The maximum horizontal distance of the tip of the diving board or platform from Point A may vary plus or minus 3" to allow for construction tolerance on [Class A pools (see Chart



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I, Section V)] Public Swimming Pools.

[8. Maximum diving board height over water must have a plus or minus 3" construction tolerance on Class A pools to allow for construction variances only.]

B. Floor,

1. The slope of the shallow area floor must be uniform, must slope to [completely] drain, and must not exceed 1' of fall in 12', [horizontally. Class C pool] Public Spa floors must slope to drain.

2. The slope of the [deep area] Deep Area floor must be uniform, must slope to [completely] drain, and must not exceed 1' of fall in [2' horizontally] 3'. [Such slopes are not intended to provide any less water depths than those specified if the pool is intended for diving.]

3. All corners formed by the intersection of walls or by the intersection of walls and floors must [be rounded for easy cleaning] have a minimum 6" cove radius in water depths greater than 3 feet. For additional guidance, see [NSPI] the current standards established by A.N.S.I.

C. Means of Swimming Pool Entry/Egress: [Steps] Stairs, Recessed [Steps] Stairs, Ladders, and Recessed Treads,

1. [Type A and C pools] Public Swimming Pools must have:

- a. In the diving well: 1 ladder for each 75' of perimeter but no less than 2 ladders.
- b. In the shallow area: [1 ladder or set of stairs] one means of entry/egress for each 75' of perimeter and approximately evenly spaced.
- c. Not less than two [ladders] means of entry/egress at any one pool [without a diving well].

2. No [ladder] means of entry/egress [need]. needs to be provided at pools where the maximum water depth does not exceed 24 inches.

[3. The requirement for ladders in Class C pools may be waived by the Approving Authority.]



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[4] 3. [Steps] Stairs, recessed [steps] stairs, ladders, and recessed treads should be located so as not to interfere with racing lanes.

[5] 4. [A handrail extending above and returning to the horizontal surface of the pool deck, curb, or coping must be provided at each side of each ladder and in the center or on one side of each stairway. Ladder steps or stairways must be located and constructed to prevent entanglement or trapping and must be located at points along the perimeter which are naturally convenient to the bathers.] All handrails must meet the standards established by A.N.S.I.

[6] 5. Ladder treads must be constructed so as to reduce the possibility of slipping, be self-draining, and be at least 3" in width over the stepping surface.

[7] 6. The design and construction of pool [steps] stairs must conform to the following:

- a. Each [step] stair tread must have minimum unobstructed horizontal dimensions of 10" x 24".
- b. Risers at the centerline of the treads must have a maximum uniform height of 12".
- c. [Step] Stair treads must have slip-resistant surfaces.
- [d. Handrails, if removeable, must be installed in such a way that they must be removed with tools.]

[8] 7. The design and construction of recessed treads in the pool wall [, when provided, must conform to the following:] must meet the standards established by A.N.S.I.

- [a. Stepholes at the centerline must have a uniform vertical spacing of 12" maximum and 7" minimum.
- b. Maximum vertical distance between the pool coping edge and the uppermost recessed tread must be 12".
- c. Stepholes must have a minimum tread depth of 5" and a minimum width of 12".
- d. Stephole treads must drain into the pool to prevent the accumulation of dirt.]

[9] 8. Pool [steps and recessed steps] stairs must be painted or tiled on the nosing with a



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contrasting color to indicate a drop to the next level.

D. Special Features.

1. Underwater seat benches, when provided, must not be over 20" below the water line and must be:
 - a. visually set apart from the surrounding pool surfaces by a contrasting color or visual image such as provided by colored tile nosing, etc;
 - b. completely recessed in either a separate alcove or wall indentation especially designed for that purpose when located in the [deep area] Deep Area of a pool; and
 - c. provided with a slip-resistant surface.
2. Off-set ledges, when provided, must fall within an 11 degree line from vertical starting at the junction of the pool wall and water line. Ledges must have a maximum width of 8" and a slip-resistant surface.

DIAGRAM BELOW:

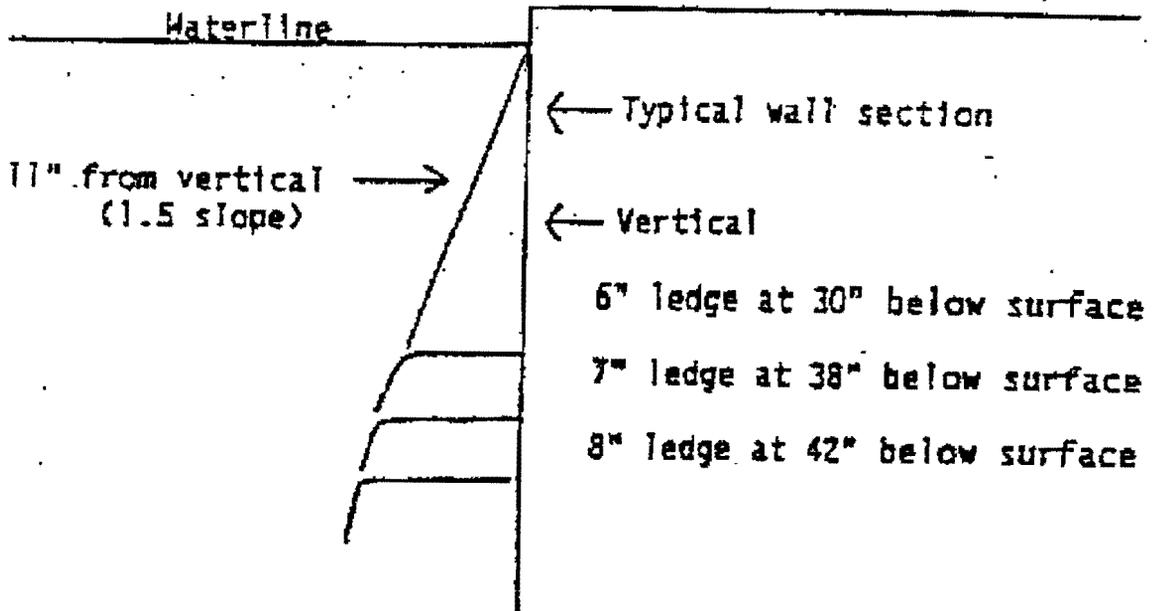
1. 11" should be 11°
2. 1.5 should be 1:5



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E. Wading Pools.

1. Wading pools must be separate and physically set apart from shallow water areas of [swimming pools] Swimming Pools by at least 6' of deck. Wading pools must not adjoin the main pool where the water in the main pool is in excess of 4' deep.
2. Wading pools must have a maximum water depth of 24".
3. Walls in wading pools must be vertical or within 11 degrees of vertical except for the lower 6", which must be radiused to the floor. Walls must not extend more than 6" above the water line at any point.
4. Floors of wading pools must be uniform and sloped to drain with a maximum slope of 1' in 12'.

F. Pool Depths.

1. [Class A] Public [swimming pools] Swimming Pools must have a minimum depth of water in the shallow end of the main swimming area of 3' with a 3'6" minimum if racing lanes are



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provided.

2. [Class C pools] Public Spas must have depths as required for their intended use.
3. [Class A] Public Swimming [pools] Pools intended for diving must [provide the minimum dimensions called for in Chart I for boards up to and including 3 meters. For diving platforms or boards above 3 meters, apply in its entirety, FINA, USS, or NCAA standards,];
 - a. comply with COMAR 10.17.01 (2013) if constructed after the effective date February 10, 1997;
 - b. come into compliance with COMAR 10.17.01 (2013) once altered if constructed before February 10, 1997; or
 - c. maintain the pool, including appurtenant structures and equipment, in the manner most recently approved before the adoption of COMAR 10.17.01 (2013) provided:
 - i. any appurtenant structures and equipment consist of the same or equivalent materials having the same specifications, operating characteristics, and certification; and
 - ii. the pool does not create a hazard as determined by the approving authority that threatens the health and safety of an individual using the pool.
4. Point A is a base reference point for Class A pools designed for diving and is the horizontal location of the tip of the diving equipment.]

[(This drawing does not show the shallow portion of pool)]

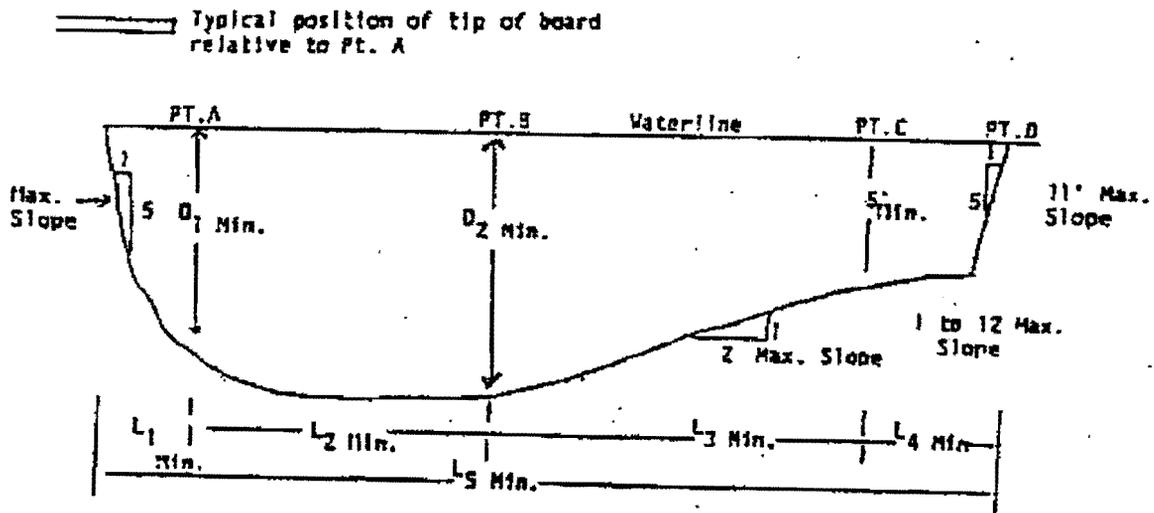
CHART I



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NOTE: L_4 is a minimum dimension to allot sufficient length opposite the board. This may of course be lengthened to fore the shallot portion of the pool.

| RELATE | | MINIMUM DIMENSIONS | | | | | | | MINIMUM WIDTH OF POOL AT: | | |
|--------|------------------|--------------------|---|---|---|---|---|---|---------------------------|---|---|
| D | DIVING EQUIPMENT | D | D | L | L | L | L | L | P | P | P |
| Max. | Max. | | | | | | | | | | |
| Div | Boa | | | | | | | | | | |



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|------------------|----------------------|-----|-----|---|---|---|---|---|---|---|---|---|---|
| ing Board Length | rd Height Over Water | | | | | | | | | | | | |
| | | 10' | 28' | 7 | 8 | 2 | 8 | 1 | 7 | 2 | 1 | 1 | 1 |
| | | 12' | 33' | 7 | 8 | 3 | 9 | 1 | 4 | 2 | 1 | 2 | 2 |
| | | 16' | 1 m | 1 | 1 | 4 | 2 | 1 | 2 | 3 | 2 | 2 | 2 |



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| | e t e r | | | | | | | | | | |
| 1 6 , | 3 m e t e r s | 1 | 1 | 6 | 2 | 1 | 0 | 4 | 2 | 2 | 2 |

NOTE: Placement of boards shall observe the following dimensions. With Multiple board installations, minimum pool widths must be increased accordingly.

- Class A Only 1 Meter or Deck Level Board to Pool Side 9'
- (measured from centerline of board) 3 Meter Board to Pool Side 11'
- 1 Meter or Deck Level board to 3 Meter Board 10'
- 1 Meter or Deck Level to another 1 Meter or Deck Level Board 8'
- 3 Meter to another Meter Board 10']

Section VI: [Deck and Appurtenant Fixtures] Decks

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. [Deck] General Standards.

1. There must be a walk or deck around the entire perimeter of the pool. [Class C pools may obtain an exemption for reduced deck area.]



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2. Pool decks must be constructed of concrete or other impervious masonry material having non-slip finish.

[3. Decks, ramps, and similar surfaces including step treads and coping must be slip-resistant.

4. The roughness or irregularity of such surfaces must not cause injury or discomfort under intended use.]

[5] 3. Synthetic deck surfaces [may] must be approved by the Approving Authority.

[6. The average minimum continuous unobstructed deck width, which may include the coping, is as follows:

a. Class A - 6' or as approved by the Approving Authority

b. Class C - 3' or as approved by the Approving Authority

c. Wading - 4']

[7] 4. [A minimum of 4' walk width must be provided on the sides and rear of any diving equipment.] A deck clearance of 24" must be provided around [any other] deck equipment which is 36" or less in height above the deck and 36" deck clearance around all other deck equipment.

[8] 5. Dressing room exits to pool must be to the shallow area of the pool. At least 15' of deck must be provided between the dressing room door and the pool edge or as approved by the Approving Authority.

[9] 6. Joints where pool coping meets concrete decks must be caulked and made water tight and must not allow water to pass to the ground beneath.

B. Deck Drainage.

[10] 1. Joints in decks must be provided to control cracks which may be hazardous due to a change in elevation, separation of surfaces, or movement of the slab.

[11] 2. Where deck work joins concrete work other than the pool, these areas must be protected by expansion joints filled with a non-rigid material such as mastic to adequately protect the pool from the pressures of relative movements.



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[12] 3. Decks must be edged, radiused, or otherwise relieved so as to provide no exposed sharp corners.

[13] 4. Except for ramps, [all walks, decks, and terraces of Class A pools] dry decks must have a uniform slope of not less than 1/4" per foot and not greater than 1/2" per foot to drains [or points at which the water will have a free, unobstructed flow to points of disposal].

[14] 5. [Class C pool] Public Spa decks must be sloped to drain and shall prevent standing water.

[15] 6. Drainage must be adequate to remove pool splash water, deck cleaning water, and rain water, and must drain away from the pool.

[16] 7. Site drainage must be provided to prevent standing water.

[17] 8. [Where splash is permitted to run off the edge of the deck slab into a grassy area used by bathers, provision must be made to intercept this run-off and conduct it to a point of disposal.] Drain covers must be suitable for bare foot traffic and flush with the deck.

[18] Every effort must be made to avoid the installation of valves in or under any decking work.]

[19] 9. Water to the pool must be introduced only through an air gap of at least [1 1/2] 2 times the pipe diameters.

[20] 10. [An over-the-rim spout] Fill spouts must be located under a diving board, within 10 inches adjacent to a ladder or handrail, or in front of a lifeguard stand whose supports are immediately adjacent to the pool or spa rim, or otherwise properly shielded so as not to create a hazard. Its open end must have no sharp edges and be provided with a flexible cover on the tip of the fill spout.

[21] Deck work must be designed and installed in accordance with the engineering practices required in the area of the installation.]

[B. Lifeguard Chairs

1. At least one elevated lifeguard chair must be provided for each 2,000 square feet of water surface area or fraction thereof. The lifeguard chair or chairs must be located so that the



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entire bottom area of the pool is collectively visible from the lifeguard chair(s) on the perimeter of the swimming pool, and the lifeguard's field of vision does not have to exceed 90° to the right and left of the center line of the chair.

2. Where a pool is provided with more than one lifeguard chair and pool width is 45' or more, they must be located on each side of the pool.
3. A swimming pool which meets all of the following conditions is exempt from the requirements for a lifeguard chair:
 - a. The greatest water surface dimension is equal to or less than 35'.
 - b. The maximum depth does not exceed 5'.
 - c. The shape of the pool is such that the entire bottom of the swimming pool can be seen by a person standing at any location on the edge of the pool.]

C. [Diving Towers, Platforms, and Boards] Perimeter Deck.

1. [Distances between adjacent diving boards and platforms and side walls in Class A pools, must conform to Chart I in Section V, or as specified by the appropriate activity (FINA, USS, NCAA, etc.) whichever is more restrictive.] A minimum of 4' in un-obstructive width must surround the pool perimeter.
2. [When in use, diving units must be securely anchored to the deck.] The perimeter deck shall be flush with pool wall/coping or as the Approving Authority allows.
3. [At Class A pools there must be a completely unobstructed clear vertical distance of 13' above any diving board or platform measured from the center of the front end of the board or platform. This area must extend horizontally at least 8' behind, 8' to each side and 16' ahead of Point A. (See Chart I, Sec. V).] Patrons may be restricted from access to areas of the perimeter deck.

[4. Unless the diving equipment manufacturer specifies otherwise, the minimum distance to be used between the center line of the rear hold down and the front fulcrum of all fulcrum actuated diving equipment must be the following with a construction tolerance of plus or minus

8' board 40"

10' board 52"

12' board 62"



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5. Supports, platforms, steps, and ladders for diving equipment must be of sufficient structural strength to safely carry the anticipated loads. Steps and ladders must be constructed of corrosion-resistant material, must be easily cleanable, and must have treads of slip-resistant design. All diving stands higher than 21", measured from the deck to the top butt end of the board, must be provided with steps and/or a ladder.

6. Platforms and diving boards which are one meter or higher must be protected with at least one guard rail. The guard rail on one meter diving equipment must be at least 30" above the diving board and extend to the edge of the pool wall. All platforms or diving boards higher than one meter must have guard rails which are at least 36" above the platform or diving board and extend to the edge of the pool wall. Additional protection should be provided to prevent divers falling through guard rails on boards and platforms above one meter.

7. Foot contact surfaces of diving boards or platforms must be entirely covered with non-slip material.

8. Fixed platforms, except solid islands, are prohibited.]

D. [Swimming Pool Slides] Dry Deck.

[The requirements of the U.S. Consumer Product Safety Commission Safety Standard for Swimming Pool Slides as published in the Federal Register, January 1, 1984, Title 16, Commercial Practices, Part 1207 Standards for Swimming Pool Slides, as amended, must be used.]

1. Must be continuous and an un-obstructed circulation path in conformance with ADA requirements for an Accessible Route.

2. Shall connect all site amenities, entrances, and exits as required by ADA requirements.

E. Fixtures.

1. Hose bibs must be provided around the perimeter of the deck so that all parts of the pool deck area may be reached with 100' of hose and are placed so that no tripping hazard is created. All hose bibs must be equipped with a backflow preventer.

2. [No less than] At least one drinking fountain must be provided for each 2,500



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square feet of water surface or fraction thereof[,] , [and no] The drinking fountain must not be located more than 100' from any point inside the pool enclosure.

3. Rinse devices such as showers or foot sprays, designed to rinse loose foreign matter from the body, [must] may be provided at access points to the deck from unpaved areas.

F. Lifeguard Chairs.

1. At least one elevated lifeguard chair must be provided for each 2,000 square feet of water surface area or fraction thereof. The lifeguard chair or chairs must be located so that the entire bottom area of the Swimming Pool is collectively visible from the lifeguard chair(s) on the perimeter of the Swimming Pool, and the lifeguard's field of vision does not have to exceed 90° to the right and left of the center line of the chair.

2. Where a Swimming Pool is equipped with more than one lifeguard chair and the pool width is 45' or more, each lifeguard chair must be located on opposite sides of the pool.

3. A Swimming Pool which meets all of the following conditions is exempt from the requirements for a lifeguard chair:

a. The greatest water surface dimension is equal to or less than 35'.

b. The maximum depth does not exceed 5'.

c. The shape of the Swimming pool is such that the entire bottom of the Swimming Pool can be seen by a person standing at any location on the edge of the Swimming Pool.

Section VII: [Illumination] Lighting

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. Artificial lighting must be provided at all indoor and outdoor [pools] Swimming Pools which are to be used at night or when daylight is insufficient. Lighting fixtures must be of



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entire pool area. Lighting must be installed to minimize reflection from the water surface so the visibility of the pool or spa bottom is not obscured.

- B. Fixtures, electrical equipment, and wiring must be installed in conformity with the Montgomery County Electrical and Building Code and the National Electrical Code adopted therein, and must be installed so as to create no hazard of burning, electrical shock, mechanical injury, or temporary blinding by glare to the [bathers] patrons and so that lifeguards can clearly see every part of the pool area without being blinded by glare.
- C. Where underwater lighting is used, no less than 1.25 watts must be employed per square foot of water surface in water over 5' deep and not less than .75 watts must be employed per square foot of water surface in water [under] 5' deep or less.
- D. Where underwater lighting is used, and night swimming is permitted, area lighting must be provided for the deck areas and directed toward the deck areas away from the pool surface [insofar as] where practical. At least 0.6 watts per square foot of deck area or at least 15 footcandles must be provided.
- [E. Where underwater lighting is not employed and night swimming is permitted, area and pool lighting combined must be provided at not less than 2 watts per square foot of deck and water surface areas.
- F. Lighting information must be furnished based on light from tungsten filament incandescent lamps. Equivalent light produced by other acceptable means may be approved.
- G. Skylights must be constructed of shatterproof materials or materials which disintegrate upon impact into harmless particles.
- H. All pool and area lights must be protected from breakage by a shatterproof shield or must be provided with a shatterproof bulb.
- I. Except at indoor pools with shielded fixtures, fixtures must not be located directly over the water surface.]

Section VIII: Safety

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless

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superseded or amended by the following specific standards:

- A. There must be no protrusions, extensions, means of entanglement, or other obstructions which can cause entrapment or injury to the [bather] patron. There must be no hazardous obstruction extending from the [pool] Swimming Pool wall or floor [into the clear area of the diving portion of the pool].
- B. Handholds must be provided around the perimeter of the [pool] Swimming Pool and must not be more than 9" above [the normal water level of the pool] or 3" below the static water level. [Bullnose coping not over 2-1/2" thick for the outer 2" is acceptable. Handholds, if not continuous, must not be more than 4' apart.] The overhang for coping or cantilevered decking shall not be greater than 2" nor less than 1" and shall not exceed 2 1/2" in thickness for the last 2" of the overhang.
- C. A lifeline must be provided at or within 1' of the transition point and on the shallow side of that point. Its position must be marked with [colored] floats at not greater than 5' spacing. The lifeline must be 1/2" inch minimum in diameter[,] and its terminals must be securely anchored, be of corrosion-resistant material, and be of a type which has no projection which may constitute a hazard to [bathers] patrons.
- D. Depth Markers [—Class A pools],
 - 1. Depth of water in feet must be [plainly and conspicuously] clearly and permanently marked at or above the water line on the vertical pool wall [or an adjacent vertical wall] and on the top of coping or edge of the deck [or walk next to the pool] within 12" of the pool wall. Markings must be at maximum and minimum points, at all points of slope change, and at no more than 2' increments of depth. Such marking must be spaced at no more than 25' intervals and must be arranged to be uniformly located on both sides of the [pool] Swimming Pool as well as both ends. In the case of irregularly shaped [pools] Swimming Pools, such markings must also designate depths at all major deviations in shape.
 - 2. The depth marking numbers must be at least 4" minimum height, [be] a contrasting color with the background, and [be] permanent. Markings on the vertical pool wall must be [in the uppermost portion of the wall and be] positioned to be read from the water side. Markings on the deck must be [within 18" of the water edge and] positioned to be read while standing on the deck facing the water. Deck markings must be slip-resistant.
 - 3. Depth markers shall be marked in units of feet and inches. Abbreviations of "FT"

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and "IN" may be used in lieu of "FEET" and "INCHES".

E. [At Class C indoor pools which are individually enclosed] Indoor Public Spas may not be individually enclosed.

- [1. Locking doors between the pool and the area used by the guard are prohibited.
- 2. If doors are provided in the enclosure, windows at least 2' by 2' square must be provided.
- 3. Windows in enclosure doors or open passage ways into the enclosure must not be designed with clothes hooks or curtain hooks which would allow items to be hung restricting the view of the pool by the guard.]

Section IX: Circulation Systems

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. General

1. [Purification of the pool water must be accomplished by the continuous addition of fresh or recirculated water containing a disinfectant and other appropriate chemicals. The water treatment equipment must be capable of controlling and maintaining bacteriological quality, turbidity or clarity, disinfectant content, and pH in accordance with the Rules and Regulations Governing Operation of Public Swimming Pools adopted by the State Department of Health and Mental Hygiene and/or as set forth in the Montgomery County Manual on Public Swimming Pool Operation, or as approved by the Approving Authority.] A circulation system consisting of pumps, piping, return inlets and suction outlets, filters, and all associated equipment shall be provided for the complete circulation of water. All new Public Pools and Public Spas must have separate dedicated filtering systems.

2. The time required for complete water turnover at [Class A swimming pools] Public Swimming Pools and [diving pools] Diving Pools must not exceed 480 minutes, at training pools must not exceed 240 minutes, at wading pools must not exceed 120 minutes, and at [Class C pools] Public Spas must not exceed 30 minutes.

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3. [All public pools must be provided with an accurate indicator measuring the rate of flow through the filter system with an appropriate range permanently etched and readable in gallons per minute.] Circulation components must meet the standards established by both the A.N.S.I. and the National Sanitation Foundation. The circulation components must be installed per the manufacturer's specifications and accessible for inspection, repair, or replacement.

[4. Equipment furnished must be provided with installation and operating instructions.

5. Materials used in the circulation system must comply with the appropriate requirements of the National Sanitation Foundation standards.

6. Equipment must be designed and fabricated to drain the pool water from the equipment, together with exposed face piping, by removal of drain plugs and manipulating winter drain valves or by other methods.]

[7] 4. Swimming Pool inlets and outlets must be provided and arranged to produce a uniform circulation of water so as to maintain water clarity and a uniform disinfectant residual throughout the pool.

[8] 5. In [wading pools and Class C pools] Public Spas, when only one skimmer is provided, the main drain and skimmer must be connected prior to any valves to prevent entrapment.

B. Inlets – All Swimming [pools] Pools.

1. All inlets[,] must be adjustable for flow regulation[, must be] and located either in the wall at least 12" below normal water level or in the floor of the pool.

2. Inlets must be provided at a minimum rate of one for every 20' of wall perimeter or fraction thereof.

3. Inlets must not be less than 1 ½" in diameter. [No reduction in the number of inlets will be allowed for increased size of inlets.]

4. Inlets from the circulation system must be designed so as not to constitute [projecting surfaces hazardous] a hazard to the [bather] patron.

C. Outlets - All Swimming [pools] Pools.



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1. At [Class A pools] Public Swimming Pools utilizing side-wall inlets, main drain outlets must be provided in the deepest part of the pool to drain the pool and to return at least 30% of the design rate of flow to the filtration system.

[2. At Class C pools utilizing side wall inlets, main drain outlets must be provided within 2" of the deepest part of the pool to drain the pool and return at least 30% of the design rate of flow to the filtration system.]

[3] 2. At [pools] Public Swimming Pools utilizing bottom inlets, [provision] main drains must be [made] in the deepest part of the pool. [for draining the pool.]

[4] 3. When the main drain outlets are used for pool pump suction, they [must be located to produce a reasonably uniform circulation of water throughout the deep section of the pool and] must not be spaced more than 20' on center. An outlet must not be more than 15' from each side wall. Main drain sumps must be hydrologically balanced.

[5] 4. [The total water velocity through grate openings must not exceed 2' per second. The opening area in the grates shall be of such design as to prevent physical entrapment of fingers, toes, etc.] All main drain sumps and covers must conform with the federal requirements of the Virginia Graeme Baker Act.

[6. The main drain piping must be of sufficient size to permit cleaning. There must be no direct physical connection between the pool drain or recirculation system and the sanitary sewerage system. The discharge of water from the pool drain and recirculation system must be arranged so as to preclude the possibility of the back-up of non-potable water into the pool or its piping system. Water discharged to a sanitary sewerage system must be through an air gap of at least 1 1/2 pipe diameters.

7. Outlet drain gratings must have a total area of at least four times the area of the discharge pipe and must be designed so as not to be readily removed by or create any hazard to bathers. The area requirement for outlet gratings will not apply to the face area of anti-vortex plates. In no case must the face velocity exceed 6' per second.]

D. [Overflows - All pools] Surface Skimming Systems.

1. [Overflow devices] A surface skimming device must be provided at all [pools] Public Pools to receive water and floating material from the pool surface as part of the circulation system.

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[2. The devices must freely admit the water without backsplash and promptly dispose of it to the circulation system.]

[3]2. The size of the [overflow piping] surface skimming system must accommodate at least [80] 70% of the design rate-of-flow when side wall inlets are used, and 100% of the design rate-of-flow, when bottom inlets are used.

[4]3. The [overflow system] surface skimming system must be designed and constructed [so that the] to skim the pool surface when water level of the pool is maintained at the operating level of the rim or weir device.

[5]4. [Perimeter type overflow systems, when used as the only overflow system on a pool, must extend around the entire perimeter of the pool unless interruptions are approved by the Approving Authority.] When a perimeter or gutter system is used, it must extend around the entire perimeter of the pool. Gutters must be located near the top of the pool and designed so that the channel is accessible for cleaning and presents no hazard to the patron. The lip of the gutter must be level throughout the pool and designed to serve as a handhold for patrons. The gutter bottom must slope toward outlets spaced no more than 15' apart. The outlet drains must not be less than 2" in diameter and the total open area of the grating must be at least 1 1/2 times the cross-section of the outlet pipe. Connection to the suction side of the circulation pump must be through a surge tank.

[6. Overflow devices must employ any of the following methods:

a. Along the entire perimeter of the pool a collecting channel must be constructed into which the pool water overflows through openings in the side walls. The openings must be placed level, be spaced no less than 10' on centers around the entire perimeter of the pool, be at least 2" high, and be of such width as to produce a flow between 1.67 and 4.0 gallons per minute per inch of weir width. The pool water level must be maintained by a float-controlled make-up water supply.

b. In roll out or deck level overflows, the lip or coping of the pool must be level throughout the periphery of the pool and designed to serve as a handhold for bathers. A system of grating or slots, as continuous as structural considerations permit, must surround the pool no more than 30" from the pool edge. The walk and deck both must slope not more than 1/4" per foot towards the grating or slots, which present no entrapment or injury hazard to the bather. Connection to the suction side of the recirculation pump must be through a surge tank. The pool water level must be maintained by a float-controlled make up water supply. In the case of competitive pools, the ends of the pool must provide a

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visual barrier that can be seen by swimmers.

c. Overflow gutters must be located near the top of the pool and designed so that the overflow channel is accessible for cleaning and presents no entrapment or injury hazard to the bather. The lip of the overflow gutter must be level throughout the periphery of the pool and designed to serve as a handhold for bathers. The gutter bottom must slope toward outlets spaced no more than 15' apart. The outlet drains must not be less than 2" in diameter and the total orifice area of the grating must be at least 1 1/2 times the cross-section of the outlet pipe. Connection to the suction side of the recirculation pump must be through a surge tank.]

5. [d.] Floating weir type skimmers must be recessed into the pool walls [in such manner and numbers that the rate-of-flow over the skimmer weirs lies between 1.67 and 4.0 gallons per minute per inch of weir]. There must be one skimmer provided for each 30' of pool perimeter. Every outdoor pool must be equipped with at least 2 skimmers located in opposite corners, one of which is the north or northeast corner. The skimmers must [meet standards of the National Sanitation Foundation relating to Recessed Automatic Surface Skimmers for Swimming Pools and] come equipped with a device for regulating the water flow through the outlet pipe [over the entire range from the design flow rate to shutoff]. All new and replacement skimmers must conform with the federal requirements of the Virginia Graeme Baker Act.

[7] 6. In wading pools which use floating weir type skimmers, only one skimmer will be required when any of the following conditions are met:

- a. All pool dimensions are less than 20'.
- b. The surface area is less than 200 square feet.
- c. The additional skimmer would provide a rate-of-flow less than 1.67 gallons/minute per inch of weir.
- d. The skimmer equalizer line is connected to the main drain sump.
- e. The skimmer suction line and the main drain line are connected prior to any valves.

E. Piping System.



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1. The piping system must be designed so that it is possible to fill the pool, circulate the pool water through the treatment equipment, return it to the pool, wash the filters, discharge filtered water to waste [or, in the case of diatomaceous earth filters only, return the filtered water to the side of the filter elements holding the filter media], drain the entire system, disinfect the [recirculated] circulated water, add other necessary chemicals, and heat the pool water where heating units are provided.

[2. Pool piping must be sized to permit the rated flows for filtering and cleaning without exceeding the total head developed by the pump at the rated flow. In no case must the rate of friction losses in the piping on the suction side of the pump exceed 6' per 100' of pipe nor in the piping on the discharge side of the pump exceed 12' per 100' of pipe based on the Hazen-Williams formula. The velocity of water in the pipe must not exceed 6' per second on the suction side of the pump nor 10' per second on the discharge side of the pump.]

[3] 2. All pool piping must be supported by piers, hangers, or other means [to prevent settling which could result in rupture, trapping of dirt or air, or prevent drainage of the pipe. Flexible pipe must be supported or encased along its entire length].

[4] 3. All pipes must be capable of being drained or otherwise protected from damage caused by freezing.

[5] 4. The piping system in the filter room must be labeled by color coding, permanently tagged valves, or other means. It must be accompanied by a corresponding diagram outlining proper operation and backwash procedures.

[6. Where dissimilar metals, which may set up galvanic electric currents, are used in piping or filter installations, provision must be made to resist electrolytic corrosion.]

[7] 5. The water from [a wading pool] all new and remodeled Public Swimming Pools and Public Spas must be circulated through a separate, properly sized, and approved filter system.

[8] 6. At all installations where water from the pool is returned to an [open tank] equipment room located below the normal water level of the pool, control valves [to prevent the flooding of the tank] must be installed on the suction manifold and the return line.

F. Pumps.

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1. The pumping equipment must have the ability to [recirculate] circulate the pool water at the required [recirculation] circulation rate at or near maximum efficiency against the maximum total dynamic head developed immediately prior to washing of the filters.

[2 When the recirculation pump is used for supplying backwash water to the filters, it must have the ability to supply water to backwash the filters at the design backwash flow rate.]

[3] 2. Self-priming pumps must be provided when the elevation of the pumps is higher than the normal water level in the pool.

[4] 3. Pumps must be accessible for inspection and service. [Replacement parts must fit with existing parts in the pump without the need for redrilling mounting holes or otherwise altering the replacement part of the pump.]

[5. The design and construction of the pump and component parts must allow safe operation.

6. Where a mechanical seal is provided, components of the seal must be corrosion-resistant and capable of operating under conditions normally encountered in swimming pool operation.

7. Proper direction of rotation for the pump must be clearly indicated by an arrow on the pump data plate, on a separate plate attached to the pump, or cast into the pump itself.

8. All motors must have as a minimum an open drip-proof enclosure as defined by National Electrical Manufacturers Association standards and constructed electrically and mechanically so they will perform satisfactorily and safely under the conditions of load and environment normally encountered in swimming pool installations.

9. All motors must have thermal overload protection, either built in or in the line starter, to provide locked rotor and running protection.]

[10] 4. The motor frame must contain adequate provision [for proper grounding] and be properly grounded.

[11] 5. Pumps used on [public swimming pools] Public Swimming Pools must meet the safety performance requirements of A.N.S.I. and the National Sanitation Foundation standards covering pumps.

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[12. At all installations where it is possible for water from the pool to pass through the pumps before it passes through the filters or where vacuum cleaners discharge to the pump suction, a hair and lint catcher fabricated of or coated with corrosion resistant material must be provided to prevent hair, lint, and debris from reaching the pumps. The hair and lint catcher must be a pot-type strainer basket placed in the pump suction line.]

6. A cleanable strainer shall be provided upstream of the circulation pump(s) to remove solids, debris, hair, lint, etc., on all pressure filter systems.

[13. Holes in the hair and lint catcher must not pass particles larger than 1/4" in their minimum dimension.

14. Hair and lint catcher baskets must be designed so that they are easily removable for cleaning. In the case of a pot-type strainer basket placed in the pump suction line, valves must be provided to prevent overflowing of water through the basket access opening when the hair and lint catcher is being cleaned.]

[15] 7. A spare strainer basket must be provided for each unit.

G. Filtration.

[Recirculation] Circulation systems must be equipped with [single or multiple] filters which pass the water and retain the suspended matter and have the following characteristics:

1. Filter requirements – General.
 - a. Filters must be designed to maintain pool water under anticipated operating conditions in accordance with section IX.A.2 of this [standard] regulation.
 - b. Filters must be designed so that filtration surfaces can be inspected and serviced.
 - c. Filters must meet the [safety performance standards of the National Sanitation Foundation standards covering filters] standards established by both the A.N.S.I. and National Sanitation Foundation.

2. Design Rates.

[The filtration rate in gallons per minute per square foot of filter surface must be in accordance with the manufacturer recommendations and the National Sanitation



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Foundation Testing Laboratory for the particular model of filter.] Maximum flow rate of filters must not exceed the requirements established by both the A.N.S.I. and National Sanitation Foundation.

3. [A] On pressure type filters, a pressure gauge or gauges with an appropriate range must be provided [in connection with all filters].

4. A means must be provided to permit release of air which enters the filter tank. [This may be automatic, manual, or where upflow design is used, air must be expelled through the filter tank.] Any filter[s] incorporating an automatic internal air release as its principal means of air release must have lids which provide a slow and safe release of pressures as a part of its design and must have a manual air release in addition to automatic releases. Any separation tank used in conjunction with a filter tank must have a manual means of air release or a lid which provides a slow and safe release of pressures as they are opened as a part of its design.

5. Separation tanks must have a precautionary statement warning the user not to start up the filter pump without first opening the air release unless automatic air vents are a part of the tank and system. The statement must be visible and noticeable within the area of the air release.

[6. Pressure Sand Filters – Class A only

Pressure sand filters must meet the standards of the National Sanitation Foundation relating to Sand Type Filters for Swimming Pools.

7. Pressure and Vacuum Diatomaceous Earth Filters - Class A or C,

a. Pressure and Vacuum diatomaceous earth filters must meet the standards of the National Sanitation Foundation relating to Diatomite type filters for Swimming Pools.

b. On pressure filter installations provision must be made for pre-coating the filter. Media must not be introduced through the skimmers.

c. Piping must be arranged to permit the circulation of water, during the pre-coating operation, within the pump and filter system without discharge to the pool.]

[8] 6. [Other Filters –Class A only] Filters must be sized to accommodate or exceed the design flow rate of the system as per manufacturer’s instructions.

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[Standard rate gravity sand and pressure and gravity anthracite filters must meet the following requirements:

a. The filter bed must consist of at least 21" of silica sand, free of earth and other materials, having an effective size between 0.40mm and 0.55mm and a uniformity coefficient not in excess of 1.75; or the filter bed shall consist of at least 21" of anthracite coal having an effective size between 0.6mm and 0.8mm and uniformity coefficient not in excess of 1.80; or the filter bed shall consist of a combination of anthracite and sand in which case at least the upper 6" of the bed is anthracite and the remainder sand as specified above.

b. The filter bed must be supported by graded gravel or other porous media capable of supporting the entire filtering media and distributing both the water to be filtered and the backwash water over the entire filter surface.

c. The backwash rate must not be less than 12 gallons per minute per square foot of filter surface in sand filters and not less than 9 gallons per minute per square foot of filter surface in anthracite filters.

d. The free board must be adequate to prevent the filter media from being carried off to waste but allow the foreign matter taken from the water to pass to waste when the filter is backwashed.

e. The underdrain system must provide for the uniform collection of filtered water from and the uniform distribution of backwash water over the entire bed area and the ratio of total under drain orifice area to total area of filter bed is not less than 0.25 of 1%.

9. Cartridge type filters with cloth cartridges may be approved for use at Class C pools only. They must meet the standards of the National Sanitation Foundation Testing Laboratory for Cartridge Type Filters.]

[10] 7. [At Class C pools utilizing cloth cartridge type filters, a second complete set of filter elements must be provided in good condition.] Public Pools utilizing cartridge type filters must provide a second complete set of approved filter elements.

[11] 8. A tub of sufficient size to hold 1 complete set of filter elements must be provided for cleaning cartridge filter elements.

H. A suction type cleaner must be provided for each pool site.



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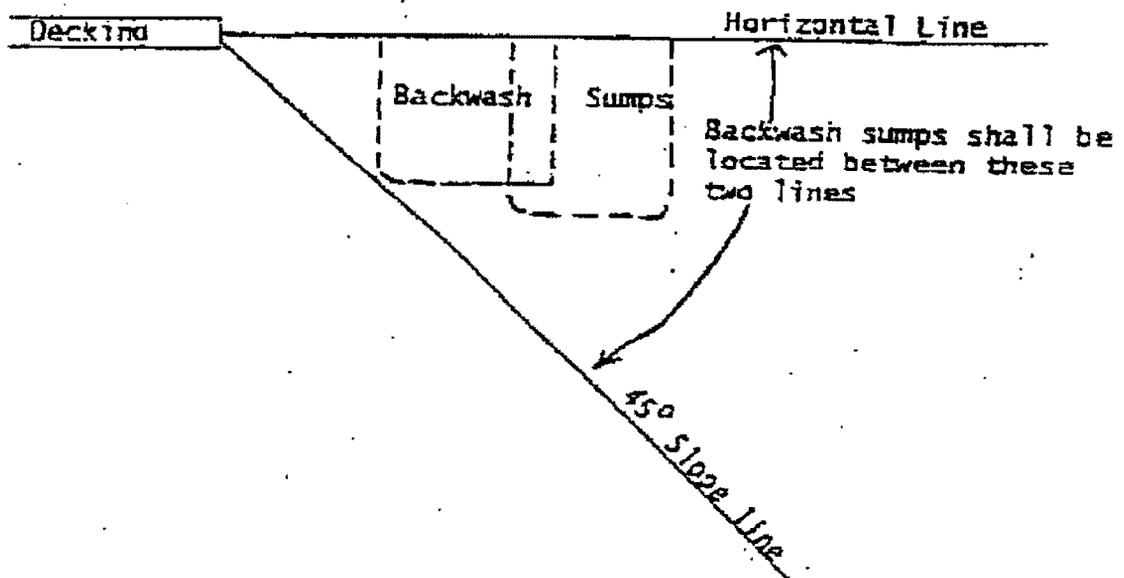
1. If the suction cleaner is operated by the [recirculation] circulation pump, the suction cleaner line must be connected ahead of the hair and lint catcher. Sufficient pool connections must be provided to allow easy access to all parts of the pool bottom with the cleaner.

2. Portable cleaners may be approved by the Approving Authority.

I. Waste Water Disposal.

1. [Backwash water may be discharged into a sanitary sewer only with the approval of the Washington Suburban Sanitary Commission, or into storm drains by means approved by appropriate State and local authorities.] Backwash water must be discharged into a sanitary sewer or by other means approved by the Approving Authority. No direct connection is permitted between the backwash line and sanitary sewer.

[2. Backwash sumps of the open pit or leeching design must be located so that they fall completely below adjacent deck work and fully outside a line projected 45 degrees downward and away from such deck work (see diagram following):



BACKWASH SUMP]



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[3] 2. [Calculations must be submitted showing that the backwash sump or holding tank is of sufficient size to handle the backwash volume.] A holding tank of sufficient size to handle a backwash volume (minimum 2 minute volume) must be provided. The holding tank must provide an appropriate air gap from the end of the backwash line and connect to sanitary sewer by a maximum 2" pipe.

[4. Prior to releasing large volumes of water from a pool to the surface waters of Montgomery County for maintenance or cleaning, the water must be retained for at least 48 hours after the last disinfection. This allows for the dissipation of the disinfectant. This requirement does not apply to the short backwashing procedure inherent in the day to day operation of a pool.]

J. Suitable equipment capable of feeding disinfectants, coagulants, chemicals for pH adjustment, and other required chemicals to the water being [recirculated] circulated must be provided in all pools.

1. [Chemical feeding equipment must conform to the standards of the National Sanitation Foundation Standards relating to Adjustable Output Rate Chemical Feeding Equipment and Flow Thru Chemical Feeding Equipment for Swimming Pools.] Sanitizing equipment must meet the standards established by both the A.N.S.I. and National Sanitation Foundation and be capable of introducing a sufficient quantity of approved sanitizer to maintain the appropriate levels required under all conditions of intended use.

[2. All chemical feeders must:

(a) deliver the required amount of chemical solution against the maximum back pressure developed at the point of injection; and

(b) permit control of output with reasonable accuracy.

3. Where calcium hypochlorite, sodium hypochlorite, or other approved compounds are utilized as the disinfecting agent, a positive displacement or erosion type chemical feeder must be provided to inject the chemical solution into the recirculation line.]

[4] 2. [A method for supplying diatomaceous earth to diatomaceous earth filters and coagulants to standard rate sand and anthracite filters must be provided. Introduction of diatomaceous earth, coagulants, and chemicals through the skimmers is prohibited.] Public Swimming Pools must have independent sanitizing feed systems. Supplemental feeding of sanitizers via the skimmer are prohibited when the pool is in use. Un-dissolved sanitizer



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must not be present within the skimmer when the pool is in use. Chemical feeders must be installed in accordance with the manufacturer's specification.

- a. Chemical feed pumps must be wired so they can not operate unless there is adequate return flow to properly disburse the chemical throughout the pool as designed.
- b. Chemical feed pumps that are controlled by automatic sensing devices must have another redundant method to ensure pumps will not operate when there is inadequate flow.

[5] 3. Solution containers of sufficient size to adequately serve the pool and constructed of corrosion resistant material must be provided for each machine head of the positive displacement type feeder.

[6] 4. No chemical feeder may feed more than one pool.

[7] 5. [Where chlorine gas feeding equipment is provided the following conditions must apply:] The use of chlorine gas feeding equipment must be approved by the Approving Authority prior to installation.

- a. The equipment and stored gas must be located in an enclosure, at or above ground level, which separates it from all other building uses by a gas-tight, corrosion-resistant partition. The room must be equipped with a lockable door in an outside wall. Equipment and stored gas must not be located in any high hazard area or above the first floor of buildings for human habitation.
- b. A forced air vent, capable of producing one air change per minute and terminating so as to create the least amount of hazard during an emergency, must be installed at floor level. Switches for exhaust fans must be located outside the enclosure. Fresh air supply must be introduced to the enclosure through appropriate openings located near the ceiling.
- c. The enclosure must be equipped with facilities for fastening the chlorine cylinders in place during storage or use.
- d. The gas feeding equipment must be of a solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- e. The water supply, if any, for the gas feeding equipment must produce the flow rate and pressure required by the manufacturer's specifications for proper operation of the equipment. Where other than recirculated water is used, the supply line shall be



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equipped with an electric shut off valve wired to the recirculation pump and be equipped with a properly installed backflow preventer. Failure of the water supply must automatically shut off the release of chlorine from the cylinder.]

6. The use of sodium hypochlorite as a sanitizer in an elevated pool application (rooftop) must be approved by the Approving Authority prior to installation.

K. Rate-of-flow meters must be installed on all [recirculation] circulation systems.

1. There must be no impediments to flow upstream and downstream from the indicators for distances according to the manufacturer's directions.

2. Meters must be placed to separately measure the flow to each pool.

3. Rate-of-flow meters must be of types which:

a. read directly in gallons per minute;

b. have a scale that is permanently etched and calibrated by the manufacturer and covers the range in which the system will operate; and

c. [are capable of measuring flows of at least 1.25 times the design rate.] are capable of measuring between 90% of the minimum required flow rate and 110% of the maximum flow rate of the filter(s).

L. Sight glasses must be provided on all backwash [, rewash and pre-coat recirculation] lines.

Section X: Public Swimming Pool Water Heaters

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. The method of heating the pool water must produce a reasonably uniform water temperature throughout the pool and must not endanger the [bathers] patrons because of excessive heat or electrical shock.

B. Heat exchangers must be designed to heat all or part of the [recirculated] circulated water



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and must be provided with easily readable thermometers mounted [in such places that the temperature of the water introduced to the pool can be read easily] on the return line after the heater effluent line(s). Heaters at indoor pools must be capable of maintaining the temperature of the pool water at not less than 74° F.

- C. At Public Swimming Pools, an automatic temperature limiting device which will prevent the introduction of water in excess of [98] 88° F. to [Class A pools] must be provided.
- D. At [Class C pools] Public Spas, an automatic temperature limiting device which will prevent the introduction of water in excess of 104° F. to the pool must be provided.

Section XI: Equipment Areas

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards

- A. Space.
 - 1. Equipment areas or rooms must provide sufficient space and sufficient clearances between pieces of equipment as well as between equipment and walls, floor, and ceiling to permit:
 - a. [The manipulation of tools required for maintenance] The maintenance, operation, and replacement of equipment;
 - [b. Removal and replacement of component parts;
 - c. Scraping and painting of equipment surfaces;
 - d. Operation of equipment without risk of injury to the operator;]
 - [e] b. Storage of chemicals and supplies without blocking access to equipment;
 - [f] c. Free drainage of water to points of disposal; and
 - [g] d. Cleaning of the room or area.
 - 2. There must be a minimum clearance of 16" [of clearance] for maintenance and 6"



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for operation [is minimum].

B. Access.

1. Equipment areas must be made inaccessible to the [bathers] patrons by means of separate enclosed rooms or buildings. Entrance to the areas must be through lockable doors only.
2. Equipment areas must be easily accessible to the operator from the deck. [Doors, gates, hatches, or manholes] Access must be provided in any barrier located along the most direct route [between the operator's office and] to the equipment. Steps or ladders must be provided at the equipment area if it lies at a different elevation from the deck. [Handholds and observation ports for control purposes may be used.]
- [3. All face piping and manholes of buried filters must be freely accessible.]

C. Construction.

1. Floors of equipment areas must be finished in concrete or other impervious material and sloped to a drain so that no accumulation of water will occur. [All pump pits must be provided with floor drains.]
2. Natural or mechanical ventilation sufficient to maintain the equipment room in a relatively dry condition must be provided.
3. Sufficient artificial light (20 [ft.] footcandles minimum) to make controls and valves clearly visible must be provided.
4. Off the floor shelving of sufficient strength to handle the storage of chemical containers must be provided and constructed of a nonporous material.
- [5. Equipment must be protected from precipitation unless it is of weatherproof construction.]

Section XII: Bathhouses

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless

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superseded or amended by the following specific standards

A. General.

1. All [swimming pool] Public Swimming Pool installations, except those on the premises of motels, [or other] transient residences [having all rooms with entrances convenient to the swimming pool and used exclusively by owners, employees, or guests of such establishments], or multi-unit residential buildings where bathers have access to equivalent facilities within living quarters or buildings not more than 500 horizontal feet from a pool or spa entrance, must include an adjacent bathhouse equipped with showers, toilets, [lavatory facilities] sinks, and dressing rooms [, first aid room, and an office].
2. When pool memberships are offered or to be offered at [swimming pools] Swimming Pools exempted above, the necessary bathhouse must be provided.

B. Layout.

1. The bathhouse must be laid out so that [bathers] patrons must pass the showers before entering the pool.
 2. The bathhouse must contain space reserved for the manager's use and for first aid equipment and treatment.
- [3. Where bathing suits, towels, or other linens are to be dispensed within the premises, separate facilities must be provided so that clean materials are not stored on shelves, handled in baskets, or passed out over counters which are to be used for the storing, handling, or receiving of dirty or used materials.]

C. Construction.

1. Floors of the bathhouse must be continuous throughout the area and relatively smooth, but with a slight texture to minimize slipping. To ensure complete draining, the floor of the bathhouse must be sloped not less than 1/4" per foot toward drains [or other points of disposal].
2. All partitions between the dressing room area, screen partitions, shower, toilet, and dressing room booths must be of durable material not subject to damage by water, and so designed that a water way is provided between the partition and floor to permit thorough cleaning of the floor areas with hoses and brooms and to increase circulation of air.

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3. Lockers, wire baskets, hangers, hooks, or other sanitary means of storing clothing and personal accessories must be provided at each bathhouse.

D. Light and Ventilation.

1. The bathhouse must be artificially illuminated to an intensity of not less than [10 foot candles] 15 footcandles on all parts of the floor surface at any time. All lights must be protected from breakage by a shatterproof shield.

2. The bathhouse must be provided with natural or mechanical ventilation to permit the maintaining of reasonably dry conditions.

E. Showers, Toilets, and Lavatory Facilities.

1. Minimum sanitary facilities must be provided. The minimum criteria for bathhouse plumbing fixtures is based upon the anticipated maximum attendance of [bathers] patrons. Plumbing fixtures for either sex is based upon a ratio of 50% of the total number of bathers being male and 50% being female, except where the pool is confined to use by one sex only, wherein 100% of plumbing fixture requirements must be provided for that sex.

2. A minimum of one [water closet combination] toilet stall, one [lavatory] sink, and one urinal must be provided for each 100 male bathers or fraction thereof.

3. A minimum of two shower heads must be provided for the first [50] 100 males or fraction thereof. One shower head must be provided for each additional 100 male bathers or fraction thereof. Up to 50% of the required number of showers may be placed on the pool deck.

4. A minimum of two [water closet combinations] toilet stalls and [lavatories] sinks must be provided in each bathhouse building for the first 100 females or fraction thereof. One additional water closet and [lavatory] sink shall be provided for each additional 100 females or fraction thereof.

5. A minimum of two shower heads must be provided for the first [50] 100 females or fraction thereof. One shower head must be added for each additional [50] 100 females or fraction thereof. Up to 50% of the required number of showers may be placed on the pool deck.

6. [Only tempered water must be provided at all shower heads. Water heater and





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thermostatically controlled mixing valves must be inaccessible to bathers and must be capable of providing 2 gpm of water at a minimum of 90° F. and a maximum of 140° F. (dual control fixtures) or 100°F. (single control fixtures) to each shower head.] Water temperature from all shower heads must be between a minimum of 90°F and a maximum of 115°F, and must be protected by an approved pressure balanced anti-scald device. A minimum flow rate of 2 gpm is required at all showerheads.

7. A soap dispenser must be provided at each [lavatory] sink and shower and the dispenser must be of all [unbreakable] shatterproof construction.
8. Mirrors must be provided and must be [unbreakable] shatterproof. Toilet paper and holders must be provided at each [water closet combination] toilet stall.
9. Fixtures must be installed in accordance with the Washington Suburban Sanitary District Plumbing and Gas Fitting Code or other applicable plumbing code and must be protected against back siphonage.
10. Fixtures must be designed so that they may be readily cleaned. Frequent cleaning and disinfecting must not cause damage.
11. Trash containers must be provided in both men's and women's bathhouses. Covered trash receptacles must be provided in the women's bathhouse.
12. Hose bibs must be provided in the bathhouse so that the dressing rooms, showers, and toilet areas can be cleaned.

Section XIII: Food Service

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

No food or drink is permitted in the [immediate area of the swimming pool] Swimming Pool or on the [decks surrounding] decks within 6 feet of the pool. [Food and beverage may be allowed in the visitor and spectator area or in a similarly separated snack area for bathers.] Trash containers must be provided throughout the [entire pool compound to contain all trash and litter] immediate premises. A separate permit is required for the



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Establishments.

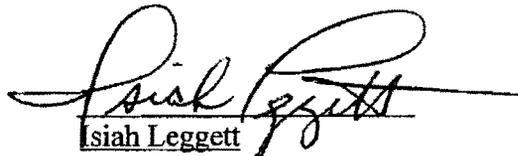
[Sec. 2.] Section XIV: Severability

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

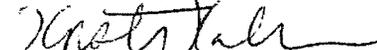
[Sec. 3.] Section XV: Effective Date

This regulation takes effect 30 days after approval by the County Council.


 Isiah Leggett
 County Executive

09/26 - DHHS/L&R

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY

BY 
 DATE 12-12-13

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June 3, 2013

Evan Goldman
Vice President
Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, MD 20852

Dee Metz
White Flint Implementation Coordinator
Montgomery County Executive Office
101 Monroe Street, 2nd Floor
Rockville, MD 20850

RE: Swimming pool regulation impacts on mixed use and high-rise buildings in urban areas

Dear Dee,

Thank you for allowing us to comment on the proposed changes to the Montgomery County Executive Regulation 22-12 dealing with Public Swimming Pool Construction. We applaud many of the changes recommended in the redlined document. We propose two additional new changes as well as edits to two changes proposed by the Executive's office. This memo was produced with input from a large group of residential developers in the County ("Developer Group"). The items below are listed in order of importance to the developer group.

ITEM 1: Section IV – A.2 Pool Size County Pool Regs.

ISSUE: The Developer Group applauds the reduction by 50% for pool sizes in apartment buildings. We request that in urban locations near metro stations where buildings are developed to a greater density and roof space is limited, that this reduction is modified as follows:

For a general use or competitive pool serving an apartment or condominium project [the minimum pool size equals] 0.25- [0.10] times the sum of the total number of apartments plus the total number of bedrooms, including efficiencies [or 600 sf whichever is less].

There are two key reasons for the requested change above. First we believe that the 50% reduction does not go far enough. Most urban multi-family residential projects have limited rooftop space due to the nature of the smaller parcels of land these buildings are typically built upon. The rooftop must also serve the County/State storm water management regulation which has a high expectation for green roof area and the mechanical requirements of the buildings ventilation system. Where space is at a premium, it is difficult to create an active outdoor rooftop deck as well as a great large swimming pool.

Allowing more flexibility will give developers the opportunity to both provide a pool as well as other desired rooftop amenities without having to sacrifice either.

Second, after surveying residential developers in the County the group was unable to identify a high-rise building which has employed multiple lifeguards. This is due to the expense of employing multiple lifeguards and the fact that demand from tenants is below the threshold that would require a second staffer. State Pool Regs section 10.17.01.40 D.2.b limits pool usage to "a sufficient number of lifeguards so that a lifeguard is on duty for each group of 50 individuals, or fraction thereof, in the pool." Following this logic and the reality of staffing at residential buildings in urban areas, we request that owners have the ability to limit the occupancy of urban pools to 50 individuals and following the State Pool Regs limit the pool size to 600sf. (50 people multiplied by 12sf per person for shallow water pools). An average high-rise multifamily building is 300 units. Today, by comparison, this which would result in a pool size that is approximately 1,900 sf of surface area. The new regulations reduce this to 950sf. The language above would allow developers of large highrise towers to reduce the pool size to 600sf given the limited size of rooftop areas and yet still comply with state law.

ITEM 2: Modification to Bathhouse Requirement: The Developer Group requests modification to Section XII Bathhouse from the County Pool Regs in mixed use or high-rise buildings where every residential unit includes a private bathroom with a shower/bath, sink and toilet.

ISSUE: The County Pool Regs as drafted requires full men's and women's restrooms with multiple toilet stalls and showers for each sex immediately at the entry to the pool deck. This requirement is difficult and expensive to achieve in urban multi-family residential buildings for the following reasons:

1. In multifamily residential buildings where the developer has constructed private restrooms with showers and toilets for each residential unit and the pool is restricted to residents of the building and their guests, the restroom requirement is a very expensive and rarely used County requirement. The average cost of this requirement for a 300 unit residential building is \$15,000 to \$20,000
2. Bathhouses are not required in the State Pool Regs for multi-family buildings; this requirement was added by Montgomery County in the County Pool Regs.
3. Space is at a premium and the restrooms are often difficult to fit physically and they create an unattractive arrival experience to the pool and physical barrier between the pool and rest of the residential amenities typically provided on the same floor.

MODIFICATION REQUEST: Exempt multi-family residential buildings without a waiver request from Section XII Bathhouse requirements under the County Pool Regs where the following conditions exist:

- Each unit in the building provides a private shower/tub, toilet, and sink
- A public restroom exists within the common area of the building sized to accommodate the occupancy of the public amenity areas (No showers are required within this restroom)
- An outdoor shower is located on the pool deck immediately adjacent to the main entrance with a sign that states that all pool users must shower prior to entering the pool.



- **A minimum of one shared (Mens/Womens/HC) restroom is located in close proximity to the entrance to the pool deck or can be accessed directly from the pool deck without re-entering the interior of the residential building. (No showers are required within these restrooms)**

ITEM 3: Section IV-B-1 and IV-C: Pool Deck Size and Use:

ISSUE: The Developer Group requests a modification to the maximum pool deck size calculation as set forth in the County Pool Regs section IV-B-1 and IV-C. The limit to the pool deck size requires that the developer encage the pool in one area and have a separate rooftop amenity area for regular use. In buildings with small rooftop areas, this separation creates two choppy smaller spaces vs. one larger amenity space with a pool located within it. Provided that a safety fence or barrier is constructed, a lifeguard is present, and the swimming pool occupancy is posted, removing this maximum pool deck size would allow for more engaging and holistic rooftop designs. Secondly, in the offseason, when the pool is no longer in use and has been appropriately covered, it would be very helpful to residents if they could use the pool deck area as a building amenity without a lifeguard present. The weather in the Washington area allows for outdoor rooftop use 8 to 9 months of the year while the pool season is typically 3 to 4 months long. This change in policy would allow for use of critical rooftop area for much longer period of time each year.

MODIFICATION REQUEST: The Developer Group requests the following modification to section 51.00.01.04 C: Remove this section for multifamily buildings in urban areas and add the following language, "Pool deck area may be utilized during the off season as a building amenity provided that the pool has been satisfactorily covered with a seasonal safety cover to be approved by Montgomery County."

ITEM 4: Section III – B: Fence height and location

ISSUE: The Developer Group requests a modification to Section III – B, fence height when the pool deck is located on the roof of a multi-family or hotel building. We applaud staff for adding language allowing for reduction of the fence to 60" to be in keeping with the current state regulation. We request that in instances where the pool is located on a roof and the fence or barrier is located along the edge of the building, that this dimension be decreased further to 42" per IBC code regulations. The logic behind this request is that the exterior wall of the building ensures that children and uninvited guests do not have access to the pool deck. The benefit is that it will allow for more attractive views from rooftop pools in a safe and responsible manner.

ITEM 5: Creative Pool Deck Design

ISSUE: In some instances, developers would like to have the ability to create a uniquely designed pool that sets the pool apart from other competitive projects in the County. These designs are often more expensive and attractive for recreation and in many instances are in keeping with many of the great resorts and condominium projects built in warm weather climates around the Country. We would like to insert language that allows the developer to work with Staff to allow for exceptions where it can be demonstrated that the lifeguard can adequately serve the swimming population without impact. Below is a list of a few examples:

- Shallow pool shelves for lounge chairs
- Allowing pools to be located on one side up against a wall to allow for waterfalls, infinite edge pools, or pools up against glass railings on roof tops vs. the current requirement for a walkable deck around all 4 sides of the pool.
- Lap pools for residential buildings not just fitness clubs
- Others TBD on a case by case basis with input from Staff

As per the opening paragraph to this letter, we are writing on behalf of a number of large residential developers in the County. We would welcome a meeting with Clark Beil to discuss these issues in greater detail before the legislation moves to the County Council.

Best regards,

Evan Goldman
Vice President Development
Federal Realty Investment Trust

EB

John P. McDonough, Secretary of State ~
 Brian Morris, Acting Administrator, Division of State Documents

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57 records match your request.

| File | Abstract |
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| 10.17.01.00.htm | 10.17.01.00. Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE Subtitle 17 SANITATION Chapter 01 Public Swimming Pools and Spas Authority: Health-General Article, §2-102, 2-104, 18-102, and 20-303, Annotated Code of Maryland, and U.S.C. §8003 |
| 10.17.01.01.htm | 10.17.01.01. 01 Purpose and Scope.. A. The purpose of this chapter is to enact regulations that protect and promote the public health and safety of individuals at public spas and pools in Maryland. Public pools include limited public-use pools, recreational pools, and semipublic pools. Public spas include semipublic spas.B. This chapter adopts construction standards, updates disinfection standards, recognizes certain new technologies and design concepts, and establishes minimum criteria for pu |
| 10.17.01.02.htm | 10.17.01.02. 02 Exclusions.. This chapter does not apply to a: A. Private pool, except for a private pool defined as a limited public-use pool in Regulation .05B of this chapter;B. Private spa; C. Pool or spa that is completely emptied of water, disinfected, and refilled with water between each use and that is intended for use or used by a single individual during each use; orD. Pool or a spa at a bed and breakfast, if the bed and breakfast facility has eight or fewer guest rooms. |
| 10.17.01.03.htm | 10.17.01.03. 03 Previously Approved Pools and Spas.. A. Except as provided in §D and E of this regulation, the owner of a pool or spa that was approved by the Secretary for construction before the adoption of this chapter is exempt from bringing the previously approved pool or spa into compliance with:1) Regulations .13C, .14A(3) .17C, .18A(3) .22, .24, and .35 of this chapter; and. 2) Notwithstanding any exemption set forth at §A(1) of this regulation, the diving area dimensions o |
| 10.17.01.04.htm | 10.17.01.04. 04 Documents Incorporated by Reference.. The following documents are incorporated by reference in this chapter:.. A. American National Standard for Public Swimming Pools (ANSI/NSPI-1 2003) except Articles 6.5, 6.5.1, 6.6, 6.6.1, 6.6.2, 6.6.3, 6.8, 6.9.1, 6.9.3, 7.1.6, 7.1.7, 7.1.7.1, 8.1.1, 8.4.2.1, 8.4.2.3, 12.3.1, 12.3.2, 13.2.1, 13.2.3, 15.3, 17.4.1, 17.5.1, 18.6, and 22.2.1, and except that in Appendix E, the term "shall" is substituted for "should" whenever it appears; |
| 10.17.01.05.htm | 10.17.01.05. 05 Definitions.. A. In this chapter, the following terms have the meanings indicated.. B. Terms Defined.. 1) Alter.. a) "Alter" means to: i) Change, modify, or rearrange a facility's structural parts or design;. ii) Enlarge a structure;. iii) Move a structure from one location or position to another;. iv) Change a circulation system component;. v) Replace a piping system; or. vi) Install a new structural part or circulation system component that was not part of the original |
| 10.17.01.06.htm | 10.17.01.06. 06 Construction Permits for Recreational Pools, Semipublic Pools, and Public Spas.. A. An owner who intends to construct or alter a recreational pool, semipublic pool, or public spa shall obtain a construction permit from the Secretary before beginning construction or alteration.B. An owner may not construct or alter a recreational pool, semipublic pool, or public spa without a construction permit. |
| 10.17.01.07.htm | 10.17.01.07. 07 Permit for Construction of Part of a Recreational Pool, Semipublic Pool, or Public Spa.. A. An owner may request a permit for construction of part of a recreational pool, semipublic pool, or public spa by submitting to the Secretary:1) A detailed written explanation of why construction plans for the entire pool or spa cannot be submitted;2) Plans, information, and statements as required in Regulation .06 of this chapter that pertain to the construction of part |
| 10.17.01.08.htm | 10.17.01.08. 08 Approval After Construction or Alteration.. A. After the construction or alteration of a recreational pool, semipublic pool, or public spa is completed, the owner shall contact the Secretary for approval of the pool or spa.B. A person may not operate or permit the use of a recreational pool, semipublic pool, or public spa that has not received written approval from the Secretary after its alteration or construction.C. The Secretary shall conduct an inspection or in |

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| <u>10.17.01.09.htm</u> | 10.17.01.09. 09 Permits for Operation.. A. A person may not operate a public pool or spa without an annual operating permit issued by the Secretary, except that in the case of a pool or spa that has received a partial approval of construction or alteration pursuant to Regulation .08E of this chapter, the Secretary may issue a nontransferrable 30-day permit for the temporary operation of the pool or spa.B. On an application form provided by the Secretary, a person shall apply t |
| <u>10.17.01.10.htm</u> | 10.17.01.10. 10 Suspension or Revocation of an Operating Permit.. A. Suspension.. 1) The Secretary may:. a) Suspend an operating permit if an owner or operator violates a requirement of this chapter; and. b) Summarily suspend an operating permit and close a public pool or spa when protection of the public health, safety, or welfare imperatively requires emergency action.2) The Secretary may summarily suspend an operating permit pursuant to §A(1)b) of this regulation for any of the following: |
| <u>10.17.01.11.htm</u> | 10.17.01.11. 11 Inspections and Right of Entry.. A. The Secretary may enter, at a reasonable time, public or private property for inspecting and investigating conditions relative to the enforcement of this chapter.B. A person may not deny or interfere with the Secretary's entry onto public or private property to inspect or to take enforcement action pursuant to this chapter. |
| <u>10.17.01.12.htm</u> | 10.17.01.12. 12 Conflict of Regulations.. An owner shall comply with:. A. The provision that establishes a higher standard for the promotion and protection of public health and safety if a provision of this chapter is in conflict with a local code, ordinance, statute, or other regulation; andB. This chapter if there is a conflict between this chapter and the provisions of American National Standard for Public Swimming Pools or the American National Standard for Public Spas. |
| <u>10.17.01.13.htm</u> | 10.17.01.13. 13 Standards for Recreational and Semipublic Pools.. An owner shall ensure that an existing, newly built, or altered recreational or semipublic pool is in compliance with:A. This chapter;. B. Applicable State and local codes; and. C. The American National Standard for Public Swimming Pools.. |
| <u>10.17.01.14.htm</u> | 10.17.01.14. 14 Standards for Public Spas.. A. An owner shall ensure that an existing, newly built, or altered public spa is in compliance with:. 1) This chapter;. 2) Applicable State and local codes; and. 3) The American National Standard for Public Spas.. B. An owner shall ensure that a swim spa has:. 1) Clearly identified controls for the swim jets; and. 2) A shut-off switch for the swim jets that is accessible from within the swim spa.. |
| <u>10.17.01.15.htm</u> | 10.17.01.15. 15 Standards for Limited Public-Use Pools.. A. An owner of a limited public-use pool shall ensure that:. 1) The construction of the pool is in compliance with:. a) The American National Standard for Residential Inground Swimming Pools, if the pool is constructed in the ground or as a permanent structure in a building; orb) The American National Standard for Aboveground/Onground Residential Swimming Pools, if the pool is removable and located above ground or on ground; |
| <u>10.17.01.16.htm</u> | 10.17.01.16. 16 Standards for Water Recreational Attractions.. An owner shall ensure that:. A. A water recreational attraction:. 1) Is designed to eliminate or minimize safety hazards such as entrapment, slipping, abrasions, cuts, falls, trip hazards, impact injury, and drowning;2) Is in compliance with applicable State and local codes and this chapter; and. 3) Has a communication system for use by supervisors, watchers, and lifeguards;. B. Plans for supervision, attendants, and lifeguar |
| <u>10.17.01.17.htm</u> | 10.17.01.17. 17 Standards for Public Wading Pools.. An owner shall ensure that a public wading pool is in compliance with:. A. This chapter;. B. Applicable State and local codes;. C. The American National Standard for Public Swimming Pools; and. D. Article 10.6 of the American National Standard for Public Spas.. |
| <u>10.17.01.18.htm</u> | 10.17.01.18. 18 Standards for Public Therapy Pools.. An owner shall ensure that a public therapy pool:. A. Is in compliance with:. 1) This chapter;. 2) Applicable State and local codes; and. 3) The American National Standard for Public Swimming Pools;. B. Has:. 1) A deck with a minimum width of 4 feet around at least 50 percent of the therapy pool that provides access to individuals using the therapy pool, not including any ramp, entrance area, or exercise area; and |
| <u>10.17.01.19.htm</u> | 10.17.01.19. 19 User Load.. A. The Secretary shall determine the user load, as defined in Regulation .05B(32) of this chapter, based on the following criteria:1) For a pool and its deck, one individual is allowed for:. a) Every 12 square feet of water surface in shallow areas;. b) Every 15 square feet of |

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| | water surface in areas exceeding 5 feet of water depth, excluding a diving area, andc) The 300 square-foot diving area required for each diving board or diving platform;. |
| <u>10.17.01.20.htm</u> | 10.17.01.20. 20 Public Pool or Spa Site.. An owner shall ensure that a public pool or spa site:. A. Drains away from the pool or spa area;. B. Has water and waste water facilities that conform to the requirements of:. 1) COMAR 09.20.01., 2) COMAR 26.04.01-26.04.04, and. 3) Local plumbing code requirements;. C. Has a walkway between a pool or spa and appurtenant buildings such as a bathhouse or equipment room; andD. Complies with applicable State and local codes.. |
| <u>10.17.01.21.htm</u> | 10.17.01.21. 21 Barriers.. A. Except as set forth in §B, C, and D of this regulation, an owner shall ensure that a recreational pool, semipublic pool, or public spa, including the required deck area, is completely surrounded by a barrier that complies with the following requirements:1) The top of the barrier is at least 72 inches above grade measured on the side of the barrier that faces away from the pool or spa;2) The maximum vertical clearance between grade and the bottom of the barrier |
| <u>10.17.01.22.htm</u> | 10.17.01.22. 22 Decks.. A. An owner shall ensure that:. 1) A deck at a recreational or semipublic pool:. a) Completely surrounds the pool;. b) Is continuous with a minimum unobstructed width of 4 feet and an average width of 6 feet, and. c) Is in conformance with the American National Standard for Public Swimming Pools;. 2) A deck at a public spa is in conformance with the American National Standard for Public Spas;. 3) The slope of a deck is away from a pool or a spa, toward points of disposal |
| <u>10.17.01.23.htm</u> | 10.17.01.23. 23 Equipment Rooms.. An owner shall ensure that a recreational pool, semipublic pool, or public spa has an equipment room that:A. Houses the pool or spa circulation, filtration, and disinfection equipment; and. B. Has:. 1) Weathertight construction to prevent the entrance of precipitation;. 2) Adequate floor area for safe access to all equipment;. 3) A minimum ceiling height of 7 feet 6 inches;. 4) A waterproof floor that drains to a floor drain;. |
| <u>10.17.01.24.htm</u> | 10.17.01.24. 24 Pipe Material.. An owner shall ensure that pipe material for a public pool or spa conforms to COMAR 09.20.01.. |
| <u>10.17.01.25.htm</u> | 10.17.01.25. 25 Circulation Systems.. A. Gauges and Release Valves. An owner shall ensure that the circulation system for a recreational pool, semipublic pool, or public spa includes the following:1) A pressure gauge on the filter or on the influent side of the filter piping;. 2) A pressure gauge on the effluent side of the filter piping;. 3) A vacuum or compound gauge on the influent side of a pump;. 4) A flow meter that:. a) Indicates the rate of flow through the circulation system;. |
| <u>10.17.01.26.htm</u> | 10.17.01.26. 26 Circulation System Components.. A. Except as provided in §B of this regulation, an owner of a recreational pool, semipublic pool, or public spa shall ensure that circulation system components, including skimmers, pumps, filters, multiport valves, adjustable output rate chemical feeders, flow-through chemical feeders, chemical process equipment, chlorine generators, ion generators, and other pool and spa equipment comply with Circulation System Components and Related Materials f |
| <u>10.17.01.27.htm</u> | 10.17.01.27. 27 Diving Area and Equipment.. An owner of a public pool shall ensure that:. A. A pool used for accredited competitive aquatic events as defined in §3 of the American National Standard for Public Swimming Pools is in compliance with §6.4.1 of American National Standard for Public Swimming Pools;.B. The dimensions of a pool diving area are in conformance with the following minimum dimensions and explanatory diagram:1) Minimum dimensions:. Diving Board Height (H) Above Water. |
| <u>10.17.01.28.htm</u> | 10.17.01.28. 28 Suction Entrapment Prevention.. To prevent a suction entrapment hazard, an owner shall ensure that:. A. A vacuum fitting is capped when not in use;. B. A vacuum line valve is in the closed position when not in use;. C. Except as provided in §F and G of this regulation, the main drain for a public pool or spa complies with 15 U.S.C. §8003 and is:1) Connected to a minimum of two main drain outlets that are:. a) Not isolated by a valve or other means;. |
| <u>10.17.01.28-1.htm</u> | 10.17.01.28-1. 28-1 Drain System Figures.. A. Dual Drain System.. B. Channel Drain System.. C. Main Drain and Skimmer Line System.. |
| <u>10.17.01.29.htm</u> | 10.17.01.29. 29 Chemical Storage Area.. An owner shall ensure that a recreational pool, semipublic pool, or public spa has a chemical storage area that:A. Is protected against the weather, excess heat, and moisture; and. B. Has:. 1) A lockable door which can be opened from the inside;. 2) Ventilation that is sized at 2 cfm per square foot of floor area and that exhausts to the open air;.3) A minimum of |

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| | 20 footcandles of illumination, and. 4) Storage for chemicals in accordance with the ma |
| <u>10.17.01.30.htm</u> | 10.17.01.30. 30 Hydrostatic Relief Valves.. An owner shall ensure that an in-ground recreational pool, semipublic pool, or public spa has hydrostatic relief valves as needed to relieve the hydrostatic pressure from ground water when the pool or spa is empty. |
| <u>10.17.01.31.htm</u> | 10.17.01.31. 31 Filter Backwash Water and Deck Drainage Disposal.. A. An owner shall ensure that:. 1) The disposal of filter backwash water and pool or spa wastewater conforms with:. a) COMAR 09.20.01,. b) Local sanitary code requirements, and. c) Discharge requirements of COMAR 26.08.01 - 26.08.04; and. 2) Deck drainage disposal conforms with:. a) COMAR 09.20.01, and. b) Local plumbing code requirements.. B. An owner may not return filter backwash water or other wastewater to a p |
| <u>10.17.01.32.htm</u> | 10.17.01.32. 32 Illumination of Water, Deck, and Walkway.. An owner shall ensure that an indoor recreational pool, semipublic pool, or public spa, or one used during nighttime, is provided with:A. Even illumination of the water, deck, and walkways;. B. Illumination of the water and deck that is:. 1) A combination of underwater lighting and deck lighting so that the:. a) Underwater lighting yields at least 0.5 watt per square foot of water surface area, and. b) Deck lighting yields a |
| <u>10.17.01.33.htm</u> | 10.17.01.33. 33 Ventilation of an Indoor Recreational Pool, Semipublic Pool, or Public Spa.. An owner shall ensure that an indoor recreational pool, semipublic pool, or public spa has:. A. A ventilating system capable of:. 1) Exhausting 1 1/2 cfm of air per square foot of enclosed area, or. 2) Dehumidifying the recirculated air from the enclosed area; and. B. Make-up air equal to the volume of exhausted air or as required in the ventilation system specifications. |
| <u>10.17.01.34.htm</u> | 10.17.01.34. 34 Plumbing.. A. Water Supply System. An owner shall ensure that a water supply system at a public pool or spa is in conformance with:1) COMAR 26.04.01, 26.04.03, and 26.04.04;. 2) COMAR 09.20.01; and. 3) Local plumbing code requirements.. B. Sewage Disposal System. An owner shall ensure that a sewage disposal system at a public pool or spa is in conformance with:1) COMAR 26.04.02 and 26.04.03;. C. Drinking Fountains. An owner shall ensure that a recreational pool, semi |
| <u>10.17.01.35.htm</u> | 10.17.01.35. 35 Toilet, Hand Sink, and Shower Facilities.. A. Except as provided in §B of this regulation, an owner shall ensure that a recreational pool, semipublic pool, or public spa has:1) A bathhouse, toilets, hand sinks, and showers within 100 feet of an entrance gate to the pool or spa in accordance with the American National Standard for Public Swimming Pools, Articles 19.1—19.6.13;2) At least a minimum number of toilets, hand sinks, and showers based on:. |
| <u>10.17.01.36.htm</u> | 10.17.01.36. 36 Antiscald Protection for Showers.. An owner of a recreational pool, semipublic pool, or public spa shall ensure that each shower has an approved pressure-balanced, antiscald device that limits the delivered water temperature to below 115°F. |
| <u>10.17.01.37.htm</u> | 10.17.01.37. 37 Accommodations for Disabled Individuals.. An owner shall ensure that a public pool or spa is in compliance with all applicable federal, State, and local codes governing facilities for disabled individuals, including COMAR 05.02.02. |
| <u>10.17.01.38.htm</u> | 10.17.01.38. 38 Equipment Installation and Operating Instructions.. An owner of a public pool or spa shall ensure that:. A. Pool and spa equipment is installed according to manufacturers' instructions and this chapter;. B. Valves, controls, gauges, filters, pumps, feeders, and other operating equipment are easily accessible;.C. Valves, controls, and piping are permanently numbered, labeled, or color-coded to identify their purpose or function; and |
| <u>10.17.01.39.htm</u> | 10.17.01.39. 39 Maintenance.. An owner of a public pool or spa shall ensure that:. A. An inspection of the pool or spa and related facilities is made at least once a week by the operator for the purpose of maintaining the pool or spa in compliance with this chapter;.B. The pool or spa and its related facilities are maintained in a safe, clean, and orderly condition;.C. A broken, damaged, or malfunctioning fixture is promptly repaired or replaced; and. |
| <u>10.17.01.40.htm</u> | 10.17.01.40. 40 Public Pool and Spa Safety.. A. First Aid and Lifesaving Equipment. An owner shall ensure that:. 1) A recreational pool is provided with:. a) A first aid kit as recommended by the American Red Cross;. b) A face mask for CPR;. c) Disposable medical grade examination gloves;. d) A bloodborne pathogen control kit;. e) A backboard designed for medical emergency use that is equipped with straps and head immobilizer;. f) A light, strong rescue pole not less than 10 feet long; |

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| | and. |
| <u>10.17.01.41.htm</u> | 10.17.01.41. 41 Pool and Spa Operator Certification.. A. A person may not act as or perform the duties of a public pool or spa operator without a pool and spa operator certification card issued by the Secretary as required in §B and G of this regulation.B. The Secretary shall issue a 3-year public pool and spa operator certification card only to an individual 16 years old or older who has:1) Completed a 14-hour approved public pool and spa operator's course or a course offered by the Sec |
| <u>10.17.01.42.htm</u> | 10.17.01.42. 42 Approval of Operator's Course.. The Secretary shall approve a pool and a spa operator's course based on the following criteria:. A. An approved course shall cover general aspects of public pool and spa operation including:. 1) Applicable regulations,. 2) Disease prevention,. 3) Disinfection,. 4) Filtration,. 5) Circulation system components,. 6) General pool and spa equipment,. 7) Operation and maintenance of equipment,. 8) Water chemistry,. 10) Record keeping,. |
| <u>10.17.01.43.htm</u> | 10.17.01.43. 43 Pool and Spa Operation.. An owner shall ensure that a certified pool and spa operator:. A. Is on site at all times when a recreational pool is open;. B. Is available at a semipublic pool, public spa, and at a limited public-use pool for performance of all requirements of this chapter and is able to respond to operational problems within 15 minutes when not available on site;C. Measures and records, or supervises and verifies the measurement and recording of, all informatio |
| <u>10.17.01.44.htm</u> | 10.17.01.44. 44 Disinfection of a Pool and Spa.. A. An owner or operator of a public pool or spa shall ensure that a disinfectant or combination of disinfectants is added to the water automatically through an approved chemical feeder to maintain continuously a residual level as specified below:1) Free chlorine shall be between:. a) 1.5 ppm and 10.0 ppm in pools for swimming and diving and water recreational attractions;. b) 3.0 ppm and 10.0 ppm in pools for wading or therapy; and. |
| <u>10.17.01.45.htm</u> | 10.17.01.45. 45 Water Chemistry of a Pool and Spa.. A. An owner or operator shall ensure that the water chemistry of a public pool or spa is maintained according to the following requirements:1) The pH of the water is maintained between 7.2 and 7.8;. 2) The total alkalinity of the water is maintained between 60 ppm and 180 ppm;. 3) The calcium hardness of the water is maintained between 150 and 400 ppm;. |
| <u>10.17.01.46.htm</u> | 10.17.01.46. 46 Operating Records Required.. An operator shall maintain operating records on a form provided by the Secretary or an equivalent form and shall:A. Except as provided in §B of this regulation, record the information required in §C(1)3) of this regulation in 2-hour intervals for a recreational pool and for a public spa, and three times per day for a limited public-use and semipublic pool and record the information required in §C(4)9) of this regulation a minimum of t |
| <u>10.17.01.47.htm</u> | 10.17.01.47. 47 Test Kits.. A. In order to comply with the requirements of Regulation .46 of this chapter, an owner shall ensure that:1) One or more of the following for measuring the disinfectant level is used:. a) A chlorine or bromine test kit that is the DPD (diethyl-p-phenylene diamine) reagent system for measuring free and combined chlorine or total bromine with an indicator range from 0.0 to 10.0 ppm or with procedures for performing a dilution test to achieve readings up to 10.0 ppm. |
| <u>10.17.01.48.htm</u> | 10.17.01.48. 48 Sanitary Quality of Water.. Although routine testing is not required, an owner shall ensure that the water in a public pool or spa:A. Has a coliform bacteria level of less than 1 coliform per milliliter; and. B. Is free of pathogenic organisms.. |
| <u>10.17.01.49.htm</u> | 10.17.01.49. 49 Chemical Handling and Storage.. An owner shall ensure that a:. A. Material safety data sheet for a potentially hazardous chemical is available to the operator;. B. Chemical is handled, used, stored, and disposed of in accordance with the material safety data sheet and all applicable federal, State, and local codes; andC. Chemical is stored in a chemical storage area which is in compliance with Regulation .29 of this chapter. |
| <u>10.17.01.50.htm</u> | 10.17.01.50. 50 Control of Infectious and Contagious Diseases.. A. An owner may not knowingly permit an individual to enter the water of a public pool or spa who has:1) An infectious or contagious disease that may be transmitted through water;. 2) An open cut, blister, or other lesion; or 3) Diarrhea.. B. An owner or operator may not prohibit an individual from entering the water of a public pool or spa if a physician certifies that the individual's condition is not infectio |
| <u>10.17.01.51.htm</u> | 10.17.01.51. 51 Injury and Illness Reports.. A public pool or spa owner shall ensure that:. A. An injury, drowning, near drowning, or suction entrapment occurring at a pool or spa that results in death or that requires resuscitation or admission to a hospital is reported to the Secretary within 24 hours of |

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| | the incident;B. A waterborne illness contracted at a pool or spa is reported to the Secretary within 24 hours of the owner's or operator's knowledge of the incident;C. A water rescue by aqua |
| <u>10.17.01.52.htm</u> | 10.17.01.52. 52 Disinfection of Swimsuits and Towels.. An owner shall ensure that a swimsuit or towel furnished to an individual by the owner or operator of a public pool or spa is:A. Washed in a washing machine with laundry detergent in hot water with a temperature of at least 175(F; andB. Rinsed in an effective disinfectant or heat dried at 175(F or more for at least 30 minutes after being washed. |
| <u>10.17.01.53.htm</u> | 10.17.01.53. 53 Variances.. A. An owner who has been granted a variance by the Secretary before the adoption of this chapter may continue to operate under that variance.B. An owner may request a variance from a requirement of this chapter by submitting a written application that:1) Contains specific details of the alternative procedure proposed by the owner;. 2) Specifies the applicable regulation to which the variance pertains;. 3) Explains the reason for the request;. |
| <u>10.17.01.54.htm</u> | 10.17.01.54. 54 Compliance Schedules.. A. The owner of a public pool or spa that has a structure, equipment, or appurtenance that is not in compliance with this chapter as determined by the Secretary may submit to the Secretary for approval a compliance schedule for meeting the requirements of this chapter.B. The request from an owner for approval of a compliance schedule shall include:. 1) The reason that the noncompliance item cannot be immediately corrected;. |
| <u>10.17.01.9999.htm</u> | 10.17.01.9999. Administrative History Effective date: February 10, 1997 (24:3 Md. R. 187). Chapter revised as an emergency provision effective July 1, 1999 (26:16 Md. R. 1238) amended permanently effective December 13, 1999 (26:25 Md. R. 1898)Regulation .01A amended effective December 19, 2005 (32:25 Md. R. 1942). Regulation .02 amended effective December 19, 2005 (32:25 Md. R. 1942). Regulation .03A amended effective March 20, 2000 (27:5 Md. R. 584) December 19, 2005 (32:25 Md. R. 1942) |

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